Fifth Series Vol. LXV. No.7

Monday, November 1, 1976
Kartika 10, 1898 (Saka)

LOK SABHA DEBATES

(Eighteenth Session)

(Vol. LXV contains Nos. 1—9)

LOK SABHA SECRETARIAT
NEW DELHI

Price : *Rs.* 2.00

CONTENTS

No. 7—Monday, November 1, 1976/Kartika 10, 1898 (Saka)

	COLUMNS
Papers Laid on the Table	1—10
Public Accounts Committee—	
Two Hundred and Thirty-Fourth and Two Hundred and Thirty-fifth Reports. . .	11
Committee on the Welfare of Scheduled Castes and Scheduled Tribes—	
Fifty-Seventh Report	11
Business Advisory Committee—	
Sixty-fifth Report	12
Constitution (Forty-Fourth Amendment) Bill . .	12—384
Clauses 43 to 59 and 1	12—383

LOK SABHA

Monday, November 1, 1976/Kartika 10, 1898 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

PAPERS LAID ON THE TABLE

MERCHANT SHIPPING (PREVENTION OF POLLUTION OF THE SEA BY OIL) AMENDMENT RULES, 1976

THE MINISTER OF SHIPPING AND TRANSPORT (DR. G. S. DHILLON): I beg to lay on the Table a copy of the Merchant Shipping (Prevention of pollution of the Sea by Oil) Amendment Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1349 in Gazette of India dated the 18th September, 1976, under sub-section (3) of section 458 of Merchant Shipping Act, 1958. [*Placed in Library. See No.* LT-11450/76].

NOTIFICATIONS UNDER GUJARAT SALES TAX ACT, 1969, SUPPLEMENTARY AGREEMENTS BETWEEN GUJARAT AND RESERVE BANK OF INDIA, A STATEMENT FOR DELAY AND NOTIFICATIONS UNDER INCOME-TAX ACT, 1961

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I bsg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 49 of the Gujarat Sales Tax Act, 1969 read with clause (c) (iii) of the Proclamation dated the 12th March, 1976 issued by the President in relation to the State of Gujarat:-

(i) (GHN 64) GST 1076/(S. 49) (50)—TH published in Gujarat Government Gazette dated the 26th August, 1976 making certain amendment to Notification No. (GHN 627) GST 1070|(S. 49)—TH dated the 29th April, 1970. [*Placed in Library. See* No. LT-1145/76].

(ii) (GHN 65) GST 1076/(S. 49)—(51) TH published in Gujarat Government Gazette dated the 26th August, 1976 making certain ammendment to Notification No. (GHN 627) GST 1070/(S. 49)—TH dated the 29th April, 1970. [*Placed in Library. See* No. LT-11451/76]

(2) A copy of Notification No (GHN 68) GHT 1076/S. 5(2)—(3)—TH (Hindi and English versions) published in Gujarat Government Gazette dated the 1st September, 1976 making certain amendment in Schedule 1 to the Gujarat Sales Tax Act, 1969, under sub-section (3) of section 5 of the said Act read with clause (c) (iii) of the Proclamation dated the 12th March, 1976 issued by the President in relation to the State of Gujarat. [*Placed in Library. See* No LT-11452/76].

(3) A copy of Notification No. (GHN 69) GST 1676/(S. 23)—(4)—TH (Hindi and English versions) published in Gujarat Government Gazette dated the 1st September, 1976 making certain amendment in Part A of Schedule II to the Gujarat Sales Tax Act, 1969, under sub-

[Shri Pranab Kumar Banerjee]

section (2) of section 23 of the said Act read with clause (c) (iii) of the Proclamation dated the 12th March, 1976 issued by the President in relation to the State of Gujarat. [*Placed in Library. See* No. LT-11453/76].

(4) (i) A copy each of 20 fresh Supplementary Agreements (Hindi and English versions) entered into by the Reserve Bank of India with the State Governments from 19th May, 1976 to 24th August, 1976 in terms of section 21A(1) of the Reserve Bank of India Act, 1934, under sub-section (2) of section 21A of the said Act.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Agreements. [*Placed in Library. See* No. LT-11454/76].

(5) A copy each of the following Notifications (Hindi and English versions) under section 296 of the Income-tax Act, 1961:—

(i) S.O. 3099 to 3107 published in Gazette of India dated the 21st August, 1976.

(ii) S.O. 3115 to 3117 published in Gazette of India dated the 28th August, 1976.

(iii) S.O. 3269 and 3270 published in Gazette of India dated the 11th September, 1976. [*Placed in Library See* No. LT-11455/76].

NOTIFICATIONS UNDER URBAN LAND (CEILING AND REGULATION) ACT, 1976

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI H. K. L. BHAGAT): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 46 of the Urban Land (Ceiling and Regulation) Act, 1976:—

(i) The Urban Land (Ceiling and Regulation) Fifth Amendment Rules, 1976, published in Notification No. G.S.R. 1261 in Gazette of India dated the 28th August, 1976 together with an explanatory memorandum.

(ii) The Urban Land (Ceiling and Regulation) Sixth Amendment Rules, 1976, published in Notification No. G.S.R. 1262 in Gazette of India dated the 28th August, 1976 together with an explanatory memorandum.

(iii) The Urban Land (Ceiling and Regulation) Seventh Amendment Rules, 1976, published in Notification No. G.S.R. 803(E) in Gazette of India dated the 15th September, 1976 together with an explanatory memorandum. [*Placed in Library. See* No. LT-11456/76].

HOUSE-HOLD ELECTRICAL APPLIANCES (QUALITY CONTROL) AMENDMENT ORDER, 1976

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI B. P. MAURYA): I beg to lay on the Table a copy of the House-hold Electrical Appliances (Quality control) Amendment Order, 1976 (Hindi and English versions) published in Notification No. S.O. 690(E) in Gazette of India dated the 21st October, 1976, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [*Placed in Library. See* No. LT-11457/76].

NOTIFICATIONS UNDER ALL-INDIA SERVICES ACT, 1951

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951:—

(i) The Indian Administrative Service (Fixation of Cadre Stre-

ngth) Twenty-second Amendment Regulations, 1976, published in Notification No. G.S.R. 848(E) in Gazette of India dated the 15th October, 1976.

(ii) The Indian Administrative Service (Pay) Twentieth Amendment Rules, 1976, published in Notification No. G.S.R. 849(E) in Gazette of India dated the 15th October, 1976. [*Placed in Library. See* No. LT-11458/76].

GUJARAT SURVIVING ALIENATIONS ABOLITION (COMPENSATION BONDS) (AMENDMENT) RULES, 1976, WITH A STATEMENT FOR NOT LAYING IN HINDI

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASAHEB P. SHINDE): I beg to lay on the Table (1) a copy of the Gujarat Surviving Alienations Abolition (Compensation Bonds) (Amendment) Rules, 1976, published in Notification No. GHM-76|207-M|GSA|1076-Y in Gujarat Government Gazette dated the 23rd July, 1976, under sub-section (2) of section 28 of the Gujarat Surviving Alienations Abolition Act, 1963 read with clause (c) (iii) of the Proclamation dated the 12th March 1976 issued by the President in relation to the State of Gujarat together with an explanatory note.

(2) A statement (Hindi and English versions) explaining reasons for not laying the Hindi version of the above Notification. [*Placed in Library. See* No. LT-11459/76].

REVIEW AND ANNUAL REPORT OF LUBRIZOL INDIA LTD., BOMBAY FOR 1975-76.

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM (SHRI ZIAURRAHMAN ANSARI): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Lubrizol India Limited, Bombay, for the year 1975-76.

(ii) Annual Report of the Lubrizol India Limited, Bombay, for the year 1975-76 along with the Audited Accounts and the comments of the comptroller and Auditor General thereon. [*Placed in Library. See* No. LT-11460/76].

REPORT ON PRICE STRUCTURE OF INDUSTRIAL ALCOHOL WITH GOVERNMENT RESOLUTION THEREON AND STATEMENT FOR DELAY

THE DEPUTY MINISTER IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI C. P. MAJHI): I beg to lay on the Table a copy each of the following papers (Hindi and English versions):—

(1) (i) Report (1975) of the Tariff Commission on the Price Structure of Industrial Alcohol.

(ii) Government Resolution No. L-12027(9)/75-CH. II dated the 28th September, 1975 notifying Government's decisions on the above Report.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above documents. [*Placed in Library. See* No. LT-11461/76].

ANNUAL FINANCIAL STATEMENTS FOR 1976-77 OF TAMIL NADU ELECTRICITY BOARD AND AUDIT REPORT ON ANNUAL ACCOUNTS THEREOF FOR 1972-73 WITH STATEMENTS FOR NOT LAYING IN HINDI AND ANNUAL FINANCIAL STATEMENT FOR 1976-77 OF GUJARAT ELECTRICITY BOARD WITH STATEMENT FOR NOT LAYING IN HINDI

सूचना मंत्रालय में उप-मंत्री (प्रो० सिद्धेश्वर प्रसाद) : मैं निम्नलिखित पत्र सभा पटल पर रखता हूं —

(1) (एक) तमिलनाडु राज्य के सम्बन्ध में राष्ट्रपति द्वारा दिनांक 31 जनवरी, 1976 को जारी की गई उद्घोषणा के खंड (ग) (चार) के साथ पठित विद्युत् (प्रदाय) अधिनियम, 1948 की धारा 61 की उपधारा (3) के अन्तर्गत तमिलनाडु विद्युत बोर्ड के वर्ष 1976–77 के वार्षिक वित्तीय विवरण तथा वर्ष 1975–76 के अनुपूरक वित्तीय विवरण की एक प्रति ।

(दो) उपर्युक्त दस्तावेजों का हिन्दी संस्करण सभा पटल पर न रखे जाने के कारण बताने वाला एक विवरण (हिन्दी तथा अंग्रेजी संस्करण)।

[*Placed in Library. See* No. LT-11462/76].

(2) (एक) तमिलनाडु राज्य के सम्बन्ध में राष्ट्रपति द्वारा दिनांक 31 जनवरी, 1976 को जारी की गई उद्घोषणा के खण्ड (ग) (चार) के साथ पठित विद्युत् (प्रदाय) अधिनियम, 1948 की धारा 69 के अन्तगत तमिलनाडु विद्युत् बोर्ड के वर्ष 1972–73 के वार्षिक लेखे पर लेखापरीक्षा प्रतिवेदन की एक प्रति ।

(दो) उपर्युक्त दस्तावेज का हिन्दी संस्करण सभा पटल पर न रखे जाने के कारण बताने वाला एक विवरण (हिन्दी तथा अंग्रेजी संस्करण) ।

[*Placed in Library. See* No. LT-11463/76].

(3) (एक) गुजरात राज्य के सम्बन्ध में राष्ट्रपति द्वारा दिनांक 12 मार्च, 1976 को जारी की गई उद्घोषणा के खण्ड (ग) (तीन) के साथ पठित विद्युत् (प्रदाय) अधिनियम, 1948 की धारा 61 की उपधारा (3) के अन्तर्गत गुजरात विद्युत बोर्ड, बड़ौदा के वर्ष 1976–77 के वार्षिक वित्तीय विवरण की एक प्रति ।

(दो) उपर्युक्त दस्तावेज का हिन्दी संस्करण सभा पटल पर न रखे जाने के कारण बताने वाला एक विवरण (हिन्दी तथा अंग्रेजी संस्करण) ।

[*Placed in Library. See* No. LT-11464/76]

ANNUAL REPORT OF REGISTRAR OF NEWSPAPERS FOR INDIA ON PRESS IN INDIA, REVIEW AND ANNUAL REPORT OF FILM FINANCE CORPORATION LTD, BOMBAY FOR 1974-75, NOTIFICATIONS UNDER TAMIL NADU CINEMAS (REGULATION) ACT, 1955, AND BOMBAY CINEMA (GUJARAT AMNDT.) RULES, 1976 WITH STATEMENTS FOR DELAY.

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI DHARAM BIR SINHA): I beg to lay on the Table —

(1) A copy of the Annual Report (Part 1) (Hindi and English versions) of the Registrar of Newspapers for India on Press in India, 1975. [*Placed in Library. See* No. LT-11465/76].

(2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956.

(i) Review by the Government on the working of the Film Finance Corporation Limited, Bombay, for the year 1974-75.

(ii) Annual Report of the Film Finance Corporation Limited, Bombay, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(3) A statement (Hindi and English versions) showing reasons for delay in laying the above documents. [*Placed in Library. See* No. LT-11466/76].

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 10 of the Tamil Nadu Cinemas (Regulation) Act, 1955 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu:—

(i) G.O. Ms. 2868 published in Tamil Nadu Government Gazette dated the 22nd January, 1975 making certain amendments to the Tamil Nadu Cinemas (Regulation) Rules, 1957.

(ii) G.O. Ms. 773 published in Tamil Nadu Government Gazette dated the 28th May, 1975 making certain amendments to the Tamil Nadu Cinemas (Regulation) Rules, 1957.

(iii) G.O. Ms. 2280 published in Tamil Nadu Government Gazette dated the 7th January, 1976 making certain amendment to the Tamil Nadu Cinemas (Regulation) Rules, 1957.

(iv) G.O. Ms. 191 published in Tamil Nadu Government Gazette dated the 18th February, 1976 making certain amendment to the Tamil Nadu Cinemas (Regulation) Rules, 1957.

(v) G.O.Ms. 416 published in Tamil Nadu Government Gazette dated the 24th March, 1976 making certain amendment to the Tamil Nadu Cinemas (Regulation) Rules, 1957.

(5) Two statements (Hindi and English versions) showing reasons for delay in laying the above Notifications. [*Placed in Library. See* No. LT-11467/76].

(6) (i) A copy of the Bombay Cinema (Gujarat Amendment) Rules, 1976 (Hindi and English versions) published in Notification No GH/G/131/BCR-3275/238 3-A in Gujarat Government Gazette dated the 6th May, 1976, under sub-section (5) of section 9 of the Bombay Cinemas (Regulation) Act, 1953 read with clause (c) (iii) of the Proclamation dated the 12th March, 1976 issued by the President in relation to the State of Gujarat.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Notification. [*Placed in Library. See* No. LT-11468/76].

11.02 hrs.

PUBLIC ACCOUNTS COMMITTEE

TWO-HUNDRED AND THIRTY-FOURTH AND TWO-HUNDRED AND THIRTY-FIFTH REPORTS

SHRI H. N. MUKHERJEE (Calcutta—North-east): I beg to present the following Reports of the Public Accounts Committee:—

(1) Two Hundred and thirty-fourth Report on Action Taken by Government on the recommendations contained in their Two Hundred and twenty-second Report on 'Regularisation of Contingency Fund Advances' relating to the Ministry of Finance (Department of Economic Affairs).

(2) Two Hundred and thirty-fifth Report on Action Taken by Government on the recommendations contained in their Two Hundred and seventeenth Report on Accounting and Procedural Matters relating to the Ministry of Finance (Department of Economic Affairs) and Ministry of Finance (Defence).

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

FIFTY-SEVENTH REPORT

SHRI NIHAR LASKAR (Karimganj): I beg to present the Fifty-seventh Report (Hindi and English versions) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Works and Housing—Housing facilities for Scheduled Castes and Scheduled Tribes provided by the Delhi Development Authority in the Union Territory of Delhi.

BUSINESS ADVISORY COMMITTEE

SIXTY-FIFTH REPORT

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to move:

"That this House do agree with the Sixty-fifth Report of the Business Advisory Committee presented to the House on the 30th October, 1976."

There is a printing mistake. Actually, for items 1 and 2 the total time allotted is 2 hours. It is wrongly put as separately 2 hours. Subject to this correction, I commend it to the House.

MR. SPEAKER: The question is:

"That this House do agree with the Sixty-fifth Report of the Business Advisory Committee presented to the House on the 30th October, 1976."

The motion was adopted.

11.03 hrs.

CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL—*contd.*

MR. SPEAKER: The House will now take up further clause-by-clause consideration of the Constitution (Forty-fourth Amendment) Bill. We are on clause 43

Clause 43—(Insertion of new article 257A)—contd.

SHRI P NARASIMHA REDDY (Chittoor): I beg to move:

Page 13, line 1,—

before "Parliament" *insert*—

"Notwithstanding anything to the contrary in clauses (1) and (2) supra," (210)

Page 12, line 34,—

after "India" *insert*—

"if it is satisfied it is necessary so to do or at the request of any State" (223)

SHRI N. SREEKANTAN NAIR (Quilon): I beg to move:

Page 12, line 34,—

(i) *after* "257A. (1)" *insert*—

"Parliament by passing a resolution in both Houses by a majority of the total membership of the House and a majority of not less than two-thirds of the members of the House present and voting allow".

(ii) *for* "may" *substitute* "to" (285)

SHRI INDRAJIT GUPTA (Alipore): I beg to move:

Page 12,—

for lines 34 to 43, *substitute*—

"257A. (1) The Government of India may deploy any armed force of the Union or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State, if the State concerned seeks such deployment.

(2) Any armed froce or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the State Government concerned may issue and be subject to the superintendence or control of the State Government on any officer or authority subordinate to the State Government." (475)

Page 13,—

for lines 1 to 4, *substitute*—

"(3) The State Government shall specify the powers, functions, privileges and liabilities of the members of any force or any contingent or unit thereof deployed under clause (1) during the period of such deployment." (476)

SHRI K. MAYATHEVAR (Dindigul): I beg to move:

Page 12, line 37,—

after "State" *insert* "after due consultation with that State Government" (539)

Page 12,—

omit lines 38 to 43. (540)

SHRI SHANKAR DAYAL SINGH (Chatra): I beg to move:

Page 12 line 36,—

after "order" *insert* "and treason" (564)

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): I beg to move:

Page 12, line 37,—

after "State" *insert*—

"on receipt of a report from the Governor to get any armed force of the Union or any other force in State." (587).

Page 13, line 4,—

add at the end—

"and Parliament may withdraw such forces if it so desire". (600)

SHRI N. SREEKANTAN NAIR (Quilon): The text of my amendment is:

"Parliament by passing a resolution in both Houses by a majority of the total membership of the House and a majority of not less

[Shri N. Sreekantan Nair]

than two-thirds of the members of the House present and voting allow".

want that certain limitations should e imposed on the powers of the overnment to send armed forces to ie States at any time. This is a ry serious matter and may involve he Centre and the States in bickerings and even fight. Therefore, it is always better that the right to deploy the armed forces of the Centre must devolve on this Parliament and it should be exercised only by two thirds majority of this House. If the resolution is passed by the House by a majority of the total membership of the House and a majority of not less than two-thirds of the members of the House present and voting, only then the Government should send the armed forces. That is my amendment and I hope, Government will accept it.

SHRI INDRAJIT GUPTA (Alipore): Sir, I am opposing this amendment to clause 43 and I am moving our amendments perticularly, 475 and 476. As Mr. Sreekantan Nair has said just now, this clause 43 has got very serious implications and the hon. Law Minister will, I am sure, explain to the House what has happened to necessitate this kind of an explioit taking of powers by the Government of India unless it is meant only for the duration of the Emergency. But, I think, that is not the intention. The intention is to explicit taking of powers by the Constitution As matters stand at present under the existing Constitution, I would like to ask the Law Minister whether the Centre or the President has not already got adequate powers to take necessary action in case there is any serious threat to or break down of law and order in any State? Such situations have arisen over the past years and, I think, the Centre has had no difficulty in using its constitutional powers to deal with those situations. I think the convention which has been followed so far and that was a healthy convention, is that on the request of the State Government which is unable to tackle a particular situation, the Centre may give help to that State by deploying any of its armed forces and it is also the convention that during the deployment of those armed forces in that State, those armed forces remain within the supervision and control of the State Government. Here something is being suggested which is intended to be written in the Constitution, which means that we are abandoning that convention altogether. What is the reason for it? What is the situation which has caused the Government to come forward with such a proposed amendment which, I am afraid, whatever the intention, just on the face of it, vitiates to some extent the principle of State autonomy. Although our Constitution is not a federal Constitution in that sense, there is an aspect of our Constitution which certainly upholds the federal spirit. India has been described as 'a Union of States' in the Constitution. If a law and order situation becomes serious in any particular State, the Governor of that State is empowered to send his report to the Centre and generally it is only on the receipt of the report from the Governor that the Centre decides whether it should intervene or not .I do not want to recount past cases whether it be West Bengal or whether it be Uttar Pradesh under the then Chief Minister, Shri Kamalapathi Tripathi or so many other States where the Governor submitted a report drawing the attention of the Centre to the fact that a serious deterioration or break down or threatened break down of law and order was there and in his opinion the State Government with its resources was not in a position to tackle that. Then, it is open to the Central Government to give directives to that State Government. Under the Constitution it has powers in Part XI—Relations between the Union and the States.

The State Government has to comply with any directives given to it by the Centre. And the Constitution lays down that if it fails to comply with such directives, then if the Central Government thinks it necessary, it can dismiss that State Ministry, or it can send its armed forces there if it wants. There is nothing to prevent it in such a situation. But I am afraid that the amendment which is proposed would mean this. Consider a situation where even the Governor has not thought it necessary to send such a report to the Centre. Of course, you may feel that there may be some Governor who is either inefficient or is in collusion with some State Government which does not ask for Central intervention. These are very hypothetical and far-fetched things. I do not think we have any instance of this type of a governor because after all, governors are appointed directly by the President. Why does the Government think that it does not have adequate powers as it is? It can give a directive, it can take action against the State Government which does not comply with that advice and it can act on the basis of the Governor's report even if the State Government is not requesting the help of the armed forces and is continuing to go on on its own way; and there is nothing in the existing Constitution to prevent the Central Government, particularly during periods of Emergency, from taking any action. Therefore, I would like to know why the Government is laying this down in black-and-white in writing into the Constitution, that the Centre must be given these powers to deploy its armed forces even if the State Government does not consider that such a situation has arisen, or has not asked for help; and also to lay down that armed forces deployed in that State will be directly under the control and supervision of the Centre. Does it not amount to visualizing a situation in which there may be two parallel administrations functioning within a State? The State police, the State armed police etc. will remain under the control of the State Government; and side by side with those forces, there will be functioning, a Central armed force or forces which will owe no kind of allegiance or have no obligation to the State Government and but will be directly under the Centre. I think some very unfortunate situation may arise which none of us would like.

I remember that when the Provincial Armed Constabulary revolted in Uttar Pradesh, it was perhaps a most serious situation of this type that we have had to face so far since Independence. And there, ultimately the Central armed forces had to be deployed and they besieged the barracks of the Provincial Armed Constabulary and forced them to surrender their arms and so on. I do not know exactly what role was played that time by the State Government, or the Government of that State at that time. At least the situation had gone beyond the State where the Provincial Armed Constabularry had openly revolted But, surely, under these provisions of the Constitution there is sufficient safeguard here for the Governor and for the State Government also, to avoid such situation developing, or to tackle such situations if they develop, if necessary by seeking the assistance of the Centre.

Now, if I say that the passage of this clause 43 would create a suspicion in the public mind that it is meant to deal with only such contingencies where there may be non-Congress Governments in the States, Shri Gokhale may again say that I am being uncharitable and so on But it is inevitable that this suspicion will be created that they are arming themselves against the possibility of non-Congress Governments being voted to power in some State or States and that they want to keep this power with them so that on a future occasion if necessary, over the heads of the State Governments they can intervene with the Central armed forces. Even if such a suspicion is unfounded, as

[Shri Indrajit Gupta]

Shri Gokhale will say it is unfounded, what is the great necessity of this haste to put this in the Constitution, I would like to know, and unnecessarily give some people at least a handle to create this suspicion in the people's minds. I think some State Government also, the Ministries in the States, even if they are Congress-run Ministries, would not like this very much. Perhaps, in the present situation I do not know whether they have made any representations, or they may not have made any representations, I can well understand that in the prevailing situation in the country of emergency and all that. But I am sure many State Governments would not like this suspicion of their political colour.

Has anything happened up till today to warrant such a drastic new clause being put into the Constitution? Then, what is the Governor for, what are his powers for and what about the relationship between the Centre and the States? There are hundreds of ways of dealing with the situation. In the past, you have not hesitated to dismiss the Ministries which you have the power to do, on the report of the Governor that they cannot tackle the law and order problem. You remember the stormy scenes in this House when the first United Front Ministry in West Bengal was dealt with in 1967. I am not talking about the second UF Ministry, but the first UF Ministry, which was dismissed from office, on the basis of the report from Governor Dharam Vira, that a law and order situation has arisen which the UF Government is not getting over, rather the UF Government would like to encourage such things Did anything prevent you from acting there? Was there any lack of power with the Centre? Did you not, simply on the basis of Dharam Vira's report, with one stroke of the President's pen, announce that this Ministry is dismissed? What was the difficulty? There was no difficulty. That is the constitutional power that you have at present.

You may say "of course, we would not like always to go to the extent of dismissing a Ministry, a Ministry may not be so bad that it should be dismissed, but there may be a law and order situation which it cannot tackle." Then, what is the Governor doing? He will report to you. If it is a State Government run by your party, surely it will seek your help, if it is a State Government run by some other party, then also the Governor is there. So, you should not give an impression to the country that you are loading your gun with ammunition to use sometime later, whenever necessary, against some leftist, or Congo run, or DMK run State Government or something like that. If you are so confident that the non-Congress parties are anyhow finished politically, there is no chance of their ever coming back....

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Why?

SHRI INDRAJIT GUPTA: That is what your members say "we have only to go to the polls and the opposition parties would be smashed to smithereens".

SHRI H. R. GOKHALE: That is true

SHRI INDRAJIT GUPTA: Then why are you taking these powers, arming yourself against your own Congress-Ministries in the States? That has still worse implications. So, I would humbly suggest, apart from the fact that you have got adequate powers at present and all that, this does go against the spirit of that much federalism which we have willingly understood and accepted in our Constitution, and also the principle of State autonomy.

I do not want a scene where the State police force and the Central police force might come into a confrontation with each other. It would be a horrible state of affairs. Anyway, it would be like two parallel armed police forces functioning with-

in a single State under different supersion and different control. Is this a desirable thing? I think it is fraught with great danger.

SHRI PRIYA RANJAN DAS MUNSI: Lebanon.

SHRI INDRAJIT GUPTA: I do not know about that. Therefore, the amendment which we are moving is that "the Government of India may deploy any armed forces of the union, or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State, if the State concerned seeks such deployment". Here, as Shri Gokhale knows, the State concerned seeking such deployment depends primarily on the report of the Governor, who is anyhow your nominee. Then, the second part of the amendment says:

> "Any armed force or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the State Government concerned may issue and be subject to the superintendence or control of the State Government or any officer or authority subordinate to the State Government."

This is the practice which we have actually been following all along, except in the case of army. Even in the case of army, I know in Calcutta during the earlier years of very severe communal disturbances, riots in Calcutta and all that, when the army had to be called out, even that army under a local army command was working in very close co-operation and liaison with the State Government, with the Chief Minister It is not as if they were an independent force, having nothing to do with the State Government and acting only under the direct orders of the Centre.

I think this convention or practice which has been followed is a healthy one. None of us want such a situation to develop. But over the years, sometimes one or two cases may occur, and they can be dealt with very satisfactorily and adequately under the existing powers and the existing conventions. Therefore, I would request the hon. Minister not to insist on this. Because, what is the sudden reason or pressing urgency to put in such a drastic provision in the Constitution, which I think will lead to all sorts of complications and may create unnecessary fears and suspicions in the minds of the people in many States? So, I press my amendment.

श्री शेर दयाल सिंह (चतरा) : अध्यक्ष जी, क्लाज 13 के संशोधन द्वारा आप निम्नलिखित नया अनुच्छेद जोड़ना चाहते हैं —

> "257क. (1) भारत सरकार किसी राज्य में विधि और व्यवस्था की गम्भीर परिस्थिति का सामना करने के लिये संघ के सशस्त्र बल का या संघ के नियन्त्रण के अधीन किसी अन्य बल का अभिनियोजन कर सकेगी ।"

मैंने अपने संशोधन द्वारा सुझाव दिया है कि "व्यवस्था" के पश्चात् "तथा राष्ट्रीय द्रोह" प्रतिस्थापित किया जाये ।

अध्यक्ष जी, मैंने यह संशोधन इस लिये दिया है कि हमें जो पिछले अनुभव हुए हैं, वे बड़े ही कटु अनुभव थे । इस लिये मैं चाहता हूं कि जब हम संविधान में नई धारायें जोड़ने जा रहे हैं, व्याख्याओं को स्पष्ट कर रहे हैं तो इस क्लाज को भी साफ किया जाना चाहिये ताकि किसी तरह के अन्धकार की संभावना इस में न रह जाए ।

मैंने अभी कुछ कटु अनुभवों का उल्लेख किया आपको याद होगा जब बंगाल में संविद विधायक दल की सरकार कांग्रेस के खिलाफ बनी थी, उस के बाद कलकत्ते में जो स्थिति पैदा हुई उस से सब लोग परिचित हैं । वहां का सामाजिक जीवन, वहां का शैक्षणिक जीवन, वहां का व्यक्तिगत जीवन—सब इस तरह से गम्भीर परिस्थितियों में से गुजर रहा था; कहीं रवीन्द्र सरोवर की घटनाएं हुई, कहीं पर दूसरी

[श्री शंकर दयाल सिंह]

तरह की गम्भीर घटनायें हुई–जिनका जिक्र मैं इस समय नहीं करना चाहता हूं। गांधी जी और दूसरे बड़े बड़े लोगों के जो स्टेचूज लगे हुए थे, उन के साथ जो व्यवहार होता था, उस के बारे में सदन में कई बार कहा जा चुका है। इसी तरह से तमिलनाडु में जो घटनायें होती रही हैं, उन की तरफ भी आप का ध्यान आकृष्ट करना चाहूंगा। इन सब बातों को ध्यान में रखते हुए, किसी भी समय कोई भी इस तरह की घटनाओं की पुनरावृत्ति न करे, इस दृष्टि से यह आवश्यक है कि हम इस में "राष्ट्रीय द्रोह" शब्द का भी अवश्य जोड़े भारत का एक इतिहास है, इस की संस्कृति मर्यादा रही है, कन्याकुमारी से लेकर काश्मीर तक यह देश एक है। और बीच बीच में जो क्षुद्र राजनीतिक ढंग की चीजें हमारे सामने आती हैं उन से यह भी साफ जाहिर होता है कि बहुत जगहों में भाषा के नाम पर, जाति के नाम पर, धर्म के नाम पर, क्षुद्र स्वार्थों के नाम पर, दलगत स्थिति के नाम पर बहुत से ऐसे खण्ड हैं जोकि बार बार इस तरह की धमकियां देते रहे हैं कि हम संघ राज्य से अलग हो जाएंगे, केन्द्र से अलग हो जायेंगे। यह स्थिति पुन कभी न आने पाये इसलिए कि हमारा देश बहुत विशाल देश है, बहुत बड़ा देश है और महान देश है। यह हमारी खुशकिस्मती है कि श्रीमती इन्दिरा गांधी के नेतृत्व में देश एकजुट है। भावनात्मक रूप से हम एक हैं, राजनीतिक रूप से हम एक हैं और आर्थिक रूप से हम आगे बढ़ते चले जा रहे हैं। इसलिए हमारा मात्र निवेदन यह है कि जहां भी, जिस हिस्से में भी, जिस क्षेत्र में भी, जिस प्रान्त में भी और जिस हल्के में भी राष्ट्रीय द्रोह की भावना उत्पन्न हो, वहां भारत सरकार यानी केन्द्रीय सरकार को बड़ी ही सख्ती के साथ और दृढ़ता के साथ कदम बढ़ाने की जरूरत है।

इसलिए मैं माननीय विधि मंत्री जी से यह अनुरोध करूंगा कि आप ने जितने भी हम से एमेंडमेंट्स दिये हैं, उन सब को कहीं हंस कर कहीं मुस्कराकर और कहीं शब्दों द्वारा नहीं माना है और इस छोटे से शब्द 'राष्ट्रीय द्रोह' को यदि आप इस नये अनुच्छेद में रख लेते हैं, तो इस से यह पूर्ण इकाई हो जाएगा। यही मेरा निवेदन है।

SHRI PRIYA RANJAN DAS MUNSI (Calcutta South) Mr Speaker, Sir, perhaps this is the most sensitive clause of the present Amendment Bill which requires discussion on a much more elaborate way I wish and hope that the Law Minister will reply to it considering the mind of the Members of the House and also considering that the Members are not only speaking according to their political motives, but also on the fate of the nation If you take from the inception of the Congress Party in 1885 and afterwards from the division of Bengal in 1905 by Lord Curzon you will find that the very concept of unity and diversity in our country was highly mounted by Gurudeb Rabindra Nath Tagore and at that stage he himself took out a procession in the Calcutta City in 1906 giving a call of unity Mahatma Gandhi after participating in the Non-Cooperation Movement in 1921 said not once but on many occasions that there would be an atmosphere of give and take in our country and he expected everybody to maintain internal integrity of the country He expected everybody to feel that he was part and parcel of the nation and that he should not divide it It is true that the Britishers tried to divide our country in many ways and riots took place in our country We got our freedom on August 15 1947 whereas Pakistan got it on 14th August

It is true that nobody can write off from the record of history that people rejoiced over freedom like anything because they got political freedom from the British rule But they could not sleep happily because their brothers friends and other relations were killed mercilessly

You know, the great man not only of our country but of the whole world who laid down his life on 30th January 1948 for this great cause is Mahatma Gandhi. After considering all these aspects, we find that India, that is Bharat—we call like this in our Constitution—no doubt gives a picture to the world that she is a country with high culture, rich traditions and having a unity of all religions. But don't you agree with this fact that the forces which worked under British rule divided the country on the basis of religion, caste and so on? But a new type of force has emerged after the Second World War, and during the last decade, all over the globe, that is the force of destablisation. These were engineered by the imperialist forces, neo-colonial forces and other allied forces.

Is it not true that in India on many occasions, whether it was the chauvnistic problem in Assam which we called the linguistic problem; whether it was the riot between the Bengalis and the Assamese; whether it was the riot in Andhra Pradesh for so-called sad slogan of separation; whether it was the matter of P.A.C. revolt in U.P.; whether it was the problem of Naxalite movement in West Bengal; whether it was the Nav Nirman agitation in Gujarat and a few little disputes like, the Cauvery river dispute or the Narmada river dispute, every time, the fomentation, the incitement, came from a parochial or regional or chauvnistic angle? It is true that people out of their sentiments would like to express their views but there was always a certain group behind them, a fascist group, which was against the interest of the nation and the forces of stabilisation.

I do not fully agree with the views expressed by Shri Indrajit Gupta. I do not want to add anything. The Law Minister will answer that. But I will give my own view. It is unwise to say that it was J.P. who first gave the call of revolt to the police. The first party which came forward to incite the police in a political manner and to use it for their political purpose was the C.P.I.(M) in West Bengal. The moment Shri Jyoti Basu became the Home Minister, I remember, the speech made by him while addressing the police constables in Lal Bazzar. He told them, "You are the weapon and you are the part and parcel of society. You have to think of the purpose for which we have to come to power and you have to act for that." He made them politically-motivated and instigated some of his officials to form a political type of organisation within the police. I have seen with my own eyes how the police was used for a political purpose. They were asked to responed to the demands of the CPI(M) people. If there was somebody who was regarded as non-CPI(M) follower, he was advised to be transferred. This is what happened.

Even then, at that time, I found that Shri Dharam Vira, whether people may like it or not, did have the powers within the purview of the Constitution to communicate it to the Centre and take necessary action and necessary steps to save the State from the tyranny of CPI(M) rule. What happened afterwards? Even when Shri Dharam Vira's report was accepted in Delhi and the forces were deployed there, even when the PDA Government could not function which was a combination of defectors, there was a tremendous mass upsurge in the State, not against the CPI(M)—not that they liked the CPI(M)—but against the method and manner in which the Government was changed, the method and manner in which the Governor's report was secured, the method and manner in which the C.R.P. was installed and the method and manner in which the police was acting. No one can deny that.

The people's upsurge has to be responded to in a different fashion. Fortunately, our leader, Mrs. Indira Gandhi at that time gave a call in the country within the Congress Party for genuine basic economic changes and

[Shri Priya Ranjan Das Munsi]

the hypocites who were with the leftist forces and allied forces were exposed. They could not play their political game in a big way. That is how we fought the situation. I do not agree with the view that the situtation in West Bengal was tackled by the CPI(M) or by the army. The situation in West Bengal was tackled by the political wisdom of Mrs. Indira Gandhi in 1969 which responded to the call of the people, the call of the nation, and completely exposed the hypocrites and a new atmosphere was built up. I agree that if there is a mass upsurge in a State even by the provocation of certain political forces and the forces of de-stabilsation, it has to be countered not by the C.R.P. but it has to be countered by the mass upsurge of the progressive forces. What happened to the J.P.'s movement?

Have you been able to stop Jayaprakash Narain's activities through the Police? If the Police was so active and the CRP was so active, why did they allow a man like L. N. Mishra to be massacred? It is not that; it was the political inspiration of the Bihar people and it was the leadership of Mrs. Gandhi which directly gave a feeling to the people that these are the dark forces which we have to combat. The moment the Government gets a feeling that we can deal with the situation and stop it only by arming ourselves with more administrative measures to use the Police and the Army, I may tell you that it will only invite more ills and it is not going to serve the cause for which it is intended. My submission to the Law Minister would be that the Governor is already entitled to submit a report to the President in all matters to the Centre. Up till now, can you show me a single example where the report of the Governor could not be helpful to the Centre? The Centre can, if necessary send additional advisers or depute more officials. When Mr. S. S. Ray was placed as Minister in charge of West Bengal, being a Minister of the Cabinet, to deal with the delicate situation in West Bengal, while refugees started coming, was not the situation dealt with very effectively and efficiently?

The only point to which the Law Minister made a reference was that through the deployment of the CRP etc. sometimes the question of going to a court of law can be avoided. For that simple reason, are you going to include it in the Constitutional guidelines? If so, how are you going to satisfy the people? The whole approach should be how the people will look at it and not what you want to do. The people will look at it critically and will say that what is being done is not in their interests. For example, if you look at the behaviour of the BSF—of course they are soldiers of our country and they defend the country, but the literacy in this country has been such that it has not promoted good behaviour among these forces of the country. The functioning of some of the forces, especially the CRP and the BSF in some parts of the country has been inhuman and certainly not such as would meet with the general approval of the Government itself. I have seen certain parallel forces functioning. They function independently, and automatically a clash of interests occurs, questions of superiority complex and inferiority complex crop up and problems are created for the State.

In 1965—possibly Mr. Nanda was Home Minister at that time—I had seen in Calcutta hundreds of groups under the Eastern Command of the Army, the Police and even the State Chief Minister, all representing the desire of the people of the area, and the people accepted them and the people really brought the situation under command. Shri Nanda went as a representative of the Central Government and the people thought that if a Central Minister has come to see to control riot areas, why should we not support him. So, the people, at that time, responded very well. These are all our past experiences.

So, it does not require that amount of caution. I agree on the point made by the Law Minister that the forces of de-stabilisation may do such things as even provoking some regional sentiments. I don't deny this, but this is not the manner in which it should be tackled. That is why I have a moved an amendment opposing this. The manner in which it should be done is this. Since the Governor is a representative of the Central Government, you can give him extra powers to act independently and to give you a special report to enable you to deal with the situation in a manner which will be within the purview of the Constitution and will not be challenged in a court of law. You can do that. We have made so many provisions which cannot be challenged in a court of law, but there should not be such a blanket provision in the Constitution that any time the Centre desires, it may send the Army or this and that. As I have said, the moment we say that the Parliamentary democracy is supreme or that the Parliament is supreme, the supremacy of Parliament means the supremacy of the democracy of the country and the supremacy of the democracy of the country means that a particular party may be in power today but it may not be in power tomorrow. May be, the Centre is being ruled by the Congress Party today and it may be that in the States there is Coalition Government. We cannot avoid it under a Parliamentary system; whether it is a bipartite or a tripartite system, it will exist. In that context, the actual implication of this Clause, the interpretation of this Clause, will not strengthen the unity of this country. We will only give a lead to disruption, because, we are not committed enough to stop all the activities of the monopoly press which may take advantage of the situation. What do we find even about this censored press The programmes announced by the Prime Minister are not being highlighted every day except the Government text. Therefore, these forces are still active and at any time they get the chance, they would do something to suppress the activities of the Government in a manner desired by them. That is why, I make this appeal. Make a provision for strengthening the hands of the Governor. On receipt of a report from the Governor, this may be done. My only amendment is to insert after 'State', "on receipt of a report from the Governor to get any armed force of the Union or any other force in State".

In conclusion I would only say that Parliament may withdraw such forces if they so desire. You have said that Parliament will regulate, by law, the powers of the members of force, etc. We may also say that Parliament may withdraw such forces, if they so desire. Also you have not specified what will be the position of the States. Suppose tomorrow, a part of West Bengal is in chaos and an elected Assembly is there. I agree, you may send armed forces there. But what will be the status of the Assembly there? Will it be dissolved or kept in suspended animation? All these issues have to be spelt out very clearly beyond any doubt, so that this Amendment would be approved in a manner where people will not misunderstand you. Otherwise, I can tell you what will happen? Some of these bureaucrats are not loyal to the cause of the people. We know how they had protected the RSS and the Anand Marg criminals for the last 20 years or so, giving them shelter and also the information that they were being watched by the I.B. people and that they should leave Delhi, and so on. I know, a few officials in this country were constantly helping the Anand Margis by asking them to leave Delhi, to leave U.P., and so on as they were being watched by the I.B. Do you think that all these bureaucrats have become politically tuned for greater evolution of socialism? Do you think that they have become tuned to act according to what our Prime Minister preaches? No. There are enemies within. And you are giving this power

[Shri Priya Ranjan Das Munsi]

in the hands of those enemies. It is they who will execute these things; they will interpret this in a different manner

I would, therefore, request the Law Minister to consider my amendments

SHRI S. D SOMASUNDARAM (Thanjavur). I cannot understand this Amendment. Even 28 years after independence, there has not been a single example of any State Government having disobeyed the instructions of the Central Government. After the 1967 elections, some of the States were ruled by the Opposition Parties Even at that time there was no example of any State Government having disobeyed the instructions of the Central Government Now, by this Amendment, you are providing for parallel forces one, State forces, and the other, Central forces This will create confusion, not only among the Superintendents of Police in the States, but also among the people India is a democratic country and it cannot be said that at all times, the Centre and the States will be ruled only by one Party, maybe, sometimes the Centre may be ruled by one Party and a State or some States by another Party At that time, if the Central Government gives one direction and the State Government gives another direction, there will be a lot of confusion Even now under the present Constitution, the Central Government have a right to dismiss a State Government if, at any time, there is a serious breakdown of law and order in that State Otherwise also, with the present advancement in science and technology, at any time the Centre can send their forces to a State, without any loss of time, to maintain law and order By this Amendment, I am sorry to say the State will become glorified municipalities under the control of the Centre For these reasons, I oppose clause 43 on behalf of my party and myself

श्री सरजू पांडे (गाजीपुर) : अध्यक्ष महोदय, हमारे साथी श्री इन्द्रजीत गुप्ता ने विस्तार सहित इस संशोधन के सम्बन्ध में बातें कही हैं। संविधान में संशोधन की चर्चा बहुत दिनों से मुल्क में है और हमारी पार्टी बराबर संविधान का संशोधन चाहती थी ? बहुत सी अच्छी बातें भी इसमें हैं, मगर पूरे तरीके से अगर देखा जाये तो कई धारायें उसमें ऐसी हैं जिससे हमारे देश की प्राजातांत्रिक परम्पराओं पर प्रहार होता है। हमारे कास्टीट्यूशन में पहले भी इस बात की व्यवस्था थी कि अगर किसी राज्य में शान्ति और व्यवस्था की प्राबलम पैदा हो जाये और राज्य सरकार चाहे तो केन्द्रीय सरकार अपनी सेनाये और फौजें वहा भेज सकती थी। उससे पहले पुलिस भेजने का अधिकार भी था। मगर मैं यह नही समझ पाया कि आज क्या ऐसी जरूरत पड़ गई है कि सैंटर खुद यह सारे अधिकार अपने पास रखना चाहता है। इसमें कोई सन्देह नही कि पूरे देश में, इस तरह के अधिकार सैंटर द्वारा लेने से, लोगों के दिलों में दुर्भावनायें पैदा होगी। अभी श्री प्रियरंजन दास मुन्शी कह रहे थे कि सिर्फ सेनाओं के भेजने से ही समस्याओं का समाधान नही हो सकता। अगर आप चाहें कि सिर्फ तलवार के बल पर चले तो यह कभी सम्भव नही है। प्रान्तो में चनाव के समय लोग दूसरी पार्टी की सरकारों को भी बुलाते हैं और उन्हें अधिकार देते हैं। ऐसा करने के पीछे कुछ कारण जरूर होते हैं। उन कारणों को बिना समझे अगर आप ऐसा समझते है कि हम केन्द्र से फौजे भेजकर या अपने सैनिक भेजकर शान्ति स्थापित करा सकेंगे, तो यह सम्भव नही है।

मुझे श्री शंकरदयाल सिंह की बात से बडा आश्चर्य हुआ। वह इसको सपोर्ट कर रहे है और कह रहे थे कि इसमें देशद्रोह शब्द और जोड दिया जाए। मैं नही समझ सकता कि यह फैसला कौन करेगा कि देशद्रोही

कैसे हैं। सरकार और देश में अन्तर है। अगर हमारे देश की सरकार कोई ऐसा काम करती है जिससे जन मानस को तकलीफ हो तो जनता को उसके खिलाफ बोलने का हक है, आन्दोलन करने का प्रजातांत्रिक राइट है, और ऐसा दुनिया में होता है। वह चाहते हैं कि इसको बन्द कर दिया जाये। माननीय मंत्री इसको देखें।

कई सदस्यों ने यह भी कहा कि संविद की सरकार बनी थी तो ला एंड आर्डर नहीं था। कितनी ही कांग्रेस की सरकारें थीं, जहां उससे भी बुरी दशा थी और उसी पार्टी के लोग आन्दोलन चलाने वाले थे। स्वयं जय प्रकाश नारायण के पीछे कितने लोगों का हाथ है, यह सदन को मालूम है, कितनी ही राज्य सरकारों के मंत्रियों ने जय प्रकाश नारायण के पैर छुये और उनकी अँबर्मेंट को आर्गनाइज किया। क्या यह समस्या फौजी के भेजने से हल हो जाएगी? जैसा संशोधन में कहा गया है कि फौजें भेजने के पहले उस मूवमेंट और लड़ाई की दिशा क्या है यह देख लिया जाये और अगर पूंजीपति गरीबों पर जुल्म करते हैं, और राज्य सरकारें उन पूंजीपतियों की मदद करती हैं, तब तो यह समझ में आता है कि फौजें भेजनी चाहियें क्योंकि हमने समाजवाद के उद्देश्य की स्थापना की है। अगर कहीं ऐसा न हो कि गरीब आदमी अपने अधिकार के लिये लड़ता हो और आप उसके खिलाफ फौज और पुलिस का इस्तेमाल करें तो क्या होगा!

हमारी पार्टी ने बहुत जगह संविधान की कई धाराओं का विरोध किया है और यह भी ऐसी धारा है जिसमें वर्तमान संविधान के रहते इसकी कोई आवश्यकता नहीं है और न इसको लाने की जरूरत है। मैं चाहूंगा कि इस देश में उन कारणों को दुरुस्त करने की जरूरत है जिनकी वजह से यह अव्यवस्था उत्पन्न हुई।

किसी मेम्बर ने यह ठीक कहा है कि केन्द्र के विरुद्ध कोई नहीं आयेगा। जो रिपोर्ट गवर्नर से कहलवाई वही उसने कही चाहे देश में किसी तरह का भी आन्दोलन हुआ हो, चाहे वह आनन्दमार्ग का हो या किसी का हो। श्री मुन्शी कह रहे थे कि आनन्दमार्ग के पीछे किन-किन लोगों का हाथ है। बहुत से लोकसभा के सदस्य और मंत्री उसके सदस्य थे। उस वक्त सरकार ने उधर ध्यान नहीं दिया। मेरा निवेदन है कि सरकार इस प्रावधान को संविधान में शामिल कर देश में भ्रम पैदा न करे। वह इसे वापस ले ले, और हमारी पार्टी का कम से कम एक संशोधन तो मान ले। यदि आवश्यक हो, तो वह इसको थोड़ा बहुत अमेंड कर ले लेकिन इसकी मंशा को कायम रखा जाए। आज हमारे देश की जनता में इस बात की चर्चा है कि सरकार राज्यों के अधिकार भी अपने हाथ में ले रही है। सरकार के पास पावर होनी चाहिये, लेकिन उसका स्तेमाल सही दिशा में होना चाहिये। इस संशोधन को पास करने से देश में भ्रम पैदा होगा। इस प्रावधान का स्तेमाल आम तौर पर गलत हो सकता है। सरकार को पहले से ही सब अधिकार प्राप्त हैं। इसलिये इस संशोधन की आवश्यकता नहीं है।

SHRI K. MAYATHEVAR (Dindigul): We have given amendments to this clause 43 recommending to the hon. Minister and the Government of India to drop the entire amendment to this clause because we fear that this will amount to an encroachment into the State subject of law and order. We need not unnecessarily encroach into the State subject of law and order like this. I request the Government that instead of solving the problem between the States and the Centre, we need not introduce any new amendment which may create troubles between the Centre and the States. That is what we sincerely plead before the Government.

[Shri K. Mayathevar]

Then with regard to the control of the State Government machinery, do you think that you have forgotten that we are having a Governor as your agent for the Central Government and the President of India? Do you think the Governor is having no power at all? Do you suspect honestly or dishonestly or in any manner that the Governor is having no power at all to make any report about the State administrative machinery if it breaks down so far as the law and order problem is concerned? Therefore, you are controlling almost all the powers to dismiss even the local Government under certain provisions of the Constitution. That is how you have dismissed the State Government of Tamil Nadu. Therefore, this provision and introduction of an amendment under clause 43 is quite unnecessary and unwarranted under the circumstances

We talk much about more and more powers to the States I have read in many papers reports of not only Opposition Parties which are ruling in certain States but even those Chief Ministers who belong to the Congress Party are demanding more and more powers for the States. That is the real state of affairs in India. Now we are taking even education to the concurrent list.

Some hon. Members from the Congress Party spoke about river water disputes I appreciate it except on one point He said that this is intended to solve the problems of river waters disputes like the Kaveri, Krishna, Godavari and Narmada. So many river water disputes are pending. It is true that it is the duty of the Central Government to solve them but the immediate problems, very essential problems are not taken into consideration in the 44th Amendment Bill. Instead of that we have created unnecessary problems.

Therefore, we should not concentrate more and more powers in the hands of the Central Government. When we are having some respect to the quasi-federal nature so far as certain provisions of our constitution are concerned, we should not become absolutely unitary in nature. We must have at least partly federal and partly unitary constitution.

Now, not only the Central Government, but this Parliament and the President are empowered with all the powers to dismiss a State Government. Therefore, all the powers you want, to dismiss and take over the State if it breaks down constitutionally or if it becomes bankrupt financially or if the State Government fails to administer the State in accordance with the provisions of the Constitution, you have got. Therefore, I put it before the Government to drop this amendment altogether.

I want to put forward the last point in the interest of the ruling party and the Government of India. People will suspect that all the powers are being taken away from the State Governments. You are reducing the powers of the State Government to less than the powers with the Municipal Committees and the local panchayats The State Governments will not be in a position to carry out the programmes under the 20-point programme if they are not allowed to continue with the powers that they have at present I, therefore, request the Central Government to drop clause 43 from this amendment. They may carry on with other amendments We support those fully but not clause 43 We may not be misunderstood We are for one nation and national unity.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): The com-

ments on this clause require, according to me, a brief answer. But before I do that, it is necessary to understand the scope of the clause.

An impression was given, whenever there is a law and order problem in the State it is intended that power should be given to the Central Government to interfere in such a law and order situation. That is not correct. The clause itself points out —"for dealing with any grave situation of law and order in any State". In the first instance it must be a grave situation of law and order. It is only then that these powers can be invoked and the armed forces of the Union can be sent to a State. It is not intended that in the case of an ordinary law and order situation which the States are supposed to deal with themselves, there will be use of powers under this Clause. In fact, I might go even a step further and say that it is only in rare cases where the gravity of the situation is so great that the deployment of union forces is necessary, that the power under this clause can be exercised.

Someone whispered just now—who is to decide? It is not a question to decide When power is given to the Central Government, the Central Government is to decide and it is not necessary to be apologetic about it because what is the cause for suspicion? If the Central Government can be given the power in respect of many other matters where the Central Government can be trusted for a judicious and proper exercise of these powers, I do not see the reason why in a matter affecting the grave law and order situation, the Central Government cannot be trusted.

The wordings in the clause are "grave law and order situation". There is some meaning to the word "grave". Certainly the powers of the State relating to the law and order, which is a State subject, are not affected in a sense that the States can deal with the law and order situation ordinarily arising in the State and only when the magnitude of that gravity of situation is such that Central Government's intervention becomes necessary, then this power can be exercised. It is not that we have no experience in this regard. It is true that the object, the intention of the Government will be even for the future after this clause becomes part of the Constitution not to exercise as far as possible without consulting the State Government. Who likes confrontation with the State Government whether the Government in the State may be of this party or of any other party on a matter of solving grave law and order situation for which this clause is meant? The suspicion that the Central Government will like to seize power from the State Government particularly with reference to the State where the Government is not of the Congress Party is to be argued when you cannot trust the Central Government for taking an objective view of the situation. This suspicion may arise if you cannot trust the Central Government for anything else The Central Government has the confidence and trust of the people all over the country. It becomes the duty of the Central Government to see that not only in respect of grave law and order situation, —in fact I read out the other day a specific provision which we are not amending now which is there in the Constitution —but also it imposes a duty on the Central Government to take care of situation of this type arising anywhere in the country.

12 hrs.

SHRI INDRAJIT GUPTA: Is not Article 355 wide enough to cover everything?

SHRI H. R. GOKHALE: It does not confer any power. There is no specific power.

SHRI INDRAJIT GUPTA: But you did not have this all these years. You carried on all these years without any difficulty. Then what is the need now? What are the governors doing?

SHRI H. R. GOKHALE: I will come to all the points. There is no need for excitement. I was saying about Article 355. It imposes a duty. There must be a corresponding power to enforce that duty. With great respect to hon. Members. I would say that there has been some misapprehension, may be, genuine misapprehension regarding the powers of the President to supersede the Ministry by imposing President's rule. No doubt those powers are there. What is the use of the argument, you do it only by dismissing the Ministry or, you do it by imposing President's rule? In fact this argument was anticipated when he spoke saying that Mr. Gokhale may argue that there may be cases where it is not necessary to dismiss a ministry but it may be necessary to deal with a specific law and order situation. What is anticipated is quite correct. There may be cases where this power alone is not enough. In fact that power under Art. 356 may have to be utilised. We want to deal with a specific situation without dismissal of the ministry or imposing President's rule. I cannot appreciate the entreme argument, dismiss a ministry and impose President's rule, and don't have this power. That is not an argument which I am able to understand. Of course, regarding misuse of power, I can say, misuse of power, like any other power, can lead to a bad situation. It is true we can trust the State Government to bring about a situation within their own power to see that we don't have to use the power. I agree there. Take for instance a case of an agitation or a law and order situation arising out of some disputes about language. It is embarrassing for the Central Government to take up a position against the particular view which is the view taken by large majority of the people in that State. And it may not be necessary to allow such an agitation to go on. But, in spite of this, some people feel that it is necessary to do so. It is only the Central Government sitting at a distance and taking an objective view of the whole situation that can save really the State Government from this embarrassment in which they are not in a position to deploy their forces to meet the law and order situation. Therefore, the idea is not to disturb.... (*interruptions*).

श्री शंकर दयाल सिंह : अध्यक्ष जी, जो उदाहरण मंत्री महोदय ने दिया है, यह तो हमको कन्फ्यूज करता है । जैसे बैंगलोर के बारे में आपने कहा—मैं आपसे पूछना चाहता हूं—हमारे संविधान में हिन्दी को राजभाषा माना गया है मान लीजिये—हमारे डाक-तार विभाग तथा रेल विभाग तामिलनाडु में हिन्दी, अंग्रेजी और वहां की भाषा में, तमिल में, अपने पोस्टर लगाते हैं और वहां की सरकार इन सबको जलाने लगे, तब आप क्या करेंगे—मैं इस बात का क्लैरिफिकेशन चाहता हूं ।

SHRI H. R. GOKHALE: My hon. friend is a staunch supported of Hindi. So am I. But the fact remains that in spite of the fact that Hindi has been accepted as a national language.... (*Interruptions*).

श्री शंकर दयाल सिंह : मैंने कहा है कि अगर वे उसको जलाने लगें तब आप क्या करेंगे ?

श्री एच० आर० गोखले : आप मुझे मेरी बात पूरी करने दीजिये । इन्होंने अभी बतलाया कि ये जो शब्द जोड़ना चाहते हैं, वह बहुत छोटा-सा शब्द है, वह छोटा वर्ड है, लेकिन उसमें अर्थ बहुत बड़ा है उसको अर्थ को देखना होगा । मैं यह नहीं कहता

हूं कि "ट्रेजन" का इस्तेमाल नहीं करना चाहिये, जहर इस्तेमाल करना चाहिये, इसके लिये कानून बना सकते हैं। अभी भी इसके लिये कानून है जिसके द्वारा ट्रेजन का इस्तेमाल कर सकते हैं। लेकिन जब ला-एण्ड आर्डर सिचुएशन की बात आती है तब उसमें ट्रेजन की बात लाना ठीक नहीं है। इसमें रेलवेन्सी का का सवाल है . . .

श्री शंकर दयाल सिंह : यह तो कोई जवाब नहीं हुआ। मेरा अमेंडमेंट दूसरा है और अभी जो मैंने पूछा है, वह दूसरी बात है। मेरा अमेंडमेंट राष्ट्रद्रोह के बारे में है। कहीं राष्ट्र के प्रति द्रोह होता है तो उसके विरुद्ध कार्यवाही की जा सके। लेकिन मैंने जो क्लेरिफिकेशन अभी पूछा है, वह दूसरी बात

MR. SPEAKER: He wants that word to be added.

SHRI H. R. GOKHALE: Sir, nobody can dispute that steps must be taken against the treason wherever the treason is. The point only is whether, when we are dealing with a subject which is quite different, the introduction of the word 'treason' is relevant at all. I am entirely in agreement with him that Government and Parliament should do the maximum possible to see that treason is not allowed to spread in this country.

My objection is only to the inclusion of this word in this particular Clause. I am not against his sentiments or against his views. The other thing I was dealing with was that I believe in this fact that it is better that sooner or later, in the entire country, we have the language, if you accept Hindi language as the national language, as a national language of this country. The fact remains, however, that there are areas for reasons, which are sometimes sentimental and, sometimes, arising out of fear, which think that something is imposed on them. Because of this fact that we do not want to impose anything on anybody, difficulties have arisen and agitations have taken place where, the State Government itself naturally, at a particular point of time, is sentimental and is being embarrassed that they have to use the law and order forces against their own people. It may be that, in such a grave situation, it is necessary for the Central Government to take an objective view of the situation only if it becomes necessary and not on ordinary—I am emphasising on the words 'ordinary law and order situation'—law and order situations which arise in a State. These are not intended to be met by this Clause. Let us not proceed merely on suspicions. Somebody said about the President's Rule; let them read Art. 356. They will find that that power is for a different situation where there is a total breakdown, for example, of the constitutional machinery. But, we can visualise a situation where there is no such breakdown, and it is not necessary to use the power under Art. 356 to dismiss a ministry or to have a President's Rule. And yet, it is necessary to deal with a particular specific situation. That is the object and I should appeal to my hon. friends to have no suspicion because I give this assurance that it is not intended to meet an ordinary law and order situation.

MR. SPEAKER: Discussion on clause 43 has concluded. We shall now go to clause 44. There are some amendments.

Clause 44— *Amendment of article 311)*

SHRI O. V ALAGESAN (Tiruttani): I beg to move:

Page 13,—

omit lines 11 to 18. (332)

SHRI DHARNIDHAR DAS: I beg to move:

Page 13,—

[Shri Dharnidhar Das]

for Clause 44 *substitute*—

"article 311 of the Constitution shall be omitted." (345)

SHRI INDRAJIT GUPTA: I beg to move:

Page 13,—

omit lines 6 to 10. (477)

Page 13,—

for lines 13 to 17, *substitute*—

"Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry after giving such person adequate opportunity of making representation on the penalty proposed:" (478)

SHRI O. V. ALAGESAN: I would have been happy if the hon. Mover had come with the suggestion to drop altogether article 311 from the Constitution. You will remember that this article represents a charter to the ICS men who were considered to be the steel frame of the British Empire in India. This was intended to protect them because our revolution was non-violent and we opted for continuity and we accepted that this concept might be put in the Constitution itself. Whatever historical necessities might have been there when the Constitution was made, no such necessity or compulsion is there now. We now want a result-oriented, clean and efficient administration. Now it is not possible for you to take action even against a single individual, however small an official of the Government of India he may be. I do not want the executive to take arbitrary action against the government servants without a proper enquiry. The man accused should be given a proper opportunity to defend himself. If it is established beyond any doubt that he was a man guilty of indiscipline, corruption and given to inefficiency, it should be posible for you to remove him in the interest of administration. Now it could not be done. This particular provision is protecting the government servant and the result has only bred indiscipline among them. Discipline has almost disappeared from our administration. When emergency came as a boon, some sort of discipline had been restored. Even now there is fear whether this discipline will last when the emergency is lifted. No less a person than the Home Minister of the Government of India has said only the day before, that old, anti-national forces were again surfacing in spite of the emergency. Even when the emergency lasts, it is quite possible that emergency might lose its edge or wear off and indiscipline, inefficiency might once again raise their heads. Clean and efficient administration is a must for all times; it is not something which could be called a luxury which could be had only at the time of emergency; we should have it in normal times as well. If that is to be possible, this clause should change. The amendment of the hon. Mover almost takes it for granted that a second opportunity is a must, is an inalienable right of the Government servant. Why should he assume it?

Actually he takes it away from article 311 (2) and having taken away, he brings it again in the form of a new proviso which assumes as if the second opportunity is an inalienable right Now, there is no need for that. Now, I am told that new experiments are being conducted in the administration, in some Government departments, in Government Corporations, etc. Where the old fedual fringes have been done away with, even the Assistants are not there, one officer takes the files to another officer and this sort of trend has set in. This trend should be encouraged. We should encourage this result-oriented trend because it will ultimately help the administration to be run more effectively and more

efficiently. So, Sir, all these things—to hold an enquiry, to allow a man to adduce evidence, to record and enquire and allow a man to have any amount of self-defenece—can be provided under the ordinary rules of administration and regulations. Why should they be exalted to the position and status of an Article in the Constitution? Why is it necessary? The administration can take care of it. It need not be that this protection should be included in the Constitution itself. So, my amendment is that the new proviso which the Hon'ble mover seeks to introduce, which seems to concur with the existing Constitutional provision, be removed from the Constitution and need not be there.

SHRI DHARNIDHAR DAS (Mangaldai): Mr. Speaker, Sir, I have moved an amendment for the outright deletion of article 311. Here, in this House, all these days, we have been showing concern for removing all road-blocks in the way of bringing about a social-economic revolution, in other words, for socialist transformation of our economy. Now, the main road-block is this bureaucracy. It does mean a few individuals, it means many individuals at different levels in the administrative system. I do not find such a clause in any of the Constitutions that I have gone through. For instance, take the American Constitution. There is a system known as 'spoils system'. That means the President can appoint all officers in the key positions and he can also remove them and particularly when a new President assumes the Office, he can remove many of the old officials in the key positions and appoint his own partymen. There is no such constitution safeguard for the Government servants. Then the Constitution of Soviet Union also does not have such a provision, rather it has a provision under Article 130 that any person can be severely dealt with when he goes against 'labour discipline' and when he goes against the 'socialist way of life'. The Constitution of the Chinese Republic says that the government servants must be loyal to the people's democratic system and they must serve the interests of the people. Only in the Indian Constitution we find this sort of provsion for people who constitute hardly 1 per cent of the total population. There are many more employees outside the government, in companies and other services. Their services are governed by service rules, standing orders, etc. Adequate safeguards for Government servants can and should be provided by enacting of Law or in some other way. For it Constitutional provision is not necessary. When the government is elected by the majority of the people, it must be able to carry out the programmes in the interests of the people without any hindrance by the officers. The people are very much enthusiastic in their support of the emergency and the Constitution (Forty-fourth Amendment) Bill. During the emergency,

[Shri Dharnidhar Das]

officers who were recalcitrant, anti-democratic and hindering the implementation of the radical programmes of the government have been dismissed or suspended and discipline has been brought about. This has been liked by the people very much. So, this article 311 should be deleted. I would like to quote what Pandit Jawahar Lal Nehru said about bureaucracy:

> "Of course, the government's business is to help. That is what the Government is for. I do not deny that. It must help, but it is one thing to help and quite another to boss. Inevitably, this tendency to boss comes not so much at top levels—perhaps sometimes even there—but lower down you go, the petty official becomes not the petty but a big boss."

That day our Prime Minister, Mrs. Indira Gandhi also referred to the sabotage of our cooperative farming programme. It is not only because of the vested interests. Of course, vested interests did it in their own interest, but they worked in collusion with officials who were responsible for implementing such programmes in the administration. So, they sabotaged this very important programme of the government which would have changed the entire agrarian economic structure in the country on a radical line. So, all radical tall talks of bringing about a socio-economic revoution will be of no use if we do not delete article 311. The tribunal is another way of safeguarding the interests of Government servants because tribunals will not feel responsible to the government but it will erode the loyalty of the government servants. Obviously, a government without loyal officers committed to the cause of socialist transformation cannot implement the radical socio-economic programmes So, I request the Law Minister to consider deletion of this article 311.

SHRI S. M. BANERJEE (Kanpur): Sir, really I could not quite follow the arguments of the hon. member who preceded me. I do not know what is their worry and why they are so much upset over article 311. In fact, the Civil Services (Classification, Control and Appeal) Rules were designed actually out of article 311. When this article was being amended in the year 1963, all the Central Government employees' organisations and the Members of Parliament of this House irrespective of their party affiliations whether it was late lamented Shri Krison Menon or Shri H. V. Kamath or myself or Dr. Singhvi and others, had objected to any curtailment of the rights given to the Central Government employees under Article 311. Now, what is the amendment which is being asked for by the Government in this Bill? In article 311 of the Constitution, in clause (2)—the words "and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence

adduced during such inquiry" shall be omitted. It means, he will not be given any opportunity after the penalty is imposed. Now, what is the present procedure as far as Government employees are concerned? I am talking of dismissal and removal from service. First of all, charges are framed and given to the employee. When he replies to the charges, he is asked whether he wants to be heard in person. If he wants to be heard in person, then a court of inquiry is appointed. When the penalty is imposed, he is given another opportunity which, according to the Rules, is termed as show-cause notice. So, two opportunities are given—first to defend himself against those charges and second, to say something more after the show cause notice was given. That was amended in 1963. Shri Ashok Sen was the Law Minister. After we saw him with the representatives of the Government employees, he himself had brought forward an amendment. I want to read the proceedings of April 30, 1963 on the Constitution Amendment Bill, 15th Amendment. When I was going to speak, the hon. Speaker said: "Shri Banerjee—Before he begins, I want to mention that I have received notice of an amendment from the Government. It would be circulated to hon Members tonight. But I may read it for the benefit of hon. Members, so that they may be aware of this as well. Page 3, line 18,—add at the end—"and where it is proposed, after such inquiry to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed but only on the basis of the evidence adduced during such enquiry". This amendment was brought by the Law Minister. These are the wordings in the Constitution at present. Then Shri A. K. Sen said:

> "What was sought was that even after the hearing on the charges and a conclusion on the facts, the officer should have a right to make a representation on the penalty proposed when the facts are found and the penalty is proposed. It was then after the representatives of the civil servants had seen me and made it clear that they do not want a right of re-hearing in the matter again and a repetition of the entire proceedings but only a right to represent against the penalty proposed, that I brought this amendment."

This is a serious matter. What Shri Alagesan has said must be against the Government servants because he is against the Government servants. It is true. But don't consider only corrupt some corrupt officers Don't make it appear that the word 'corrupt officers' means a reflection on all the officers in the Government of India. What happens to the Class III and IV servants; what happens to Class II and even to Class I servants? I would say that the guilty officers are never dismissed, either under Article 311 or under any other Article. The prisons are meant only for the unsuccessful criminals. If somebody is unsuccessful, he goes to the prison. Somebody who is successful remains out and can seek selection and also win. But that is not the question If there are certain officers who are bad, you can remove them under compulsory retirement; you can retire them at the age of 50, after 25 years of service. You are having so many powers, because of Emergency and otherwise also. Why amend this particular article? The present position in Article 311—which is being amended now—is the collective wisdom of the House in 1963. Even Shri Asoke Sen agreed with us then, at the time of its amendment in 1963. Even Mr. Nehru was there then. I do not know what has happened now Why does the present Law Minister

[Shri S. M. Banerjee]

do not rely on his predecessor Shri Asoke Sen who brought the earlier amendment after discussion. In this particular case, unfortunately, Mr. Gokhale did not get an opportunity to discuss with the Central Government employees and know their views. That is why we are proposing our amendment, No. 477 in the name of Shri Indrajit Gupta and others. It says.

"Page 13,—

omit lines 6 to 10."

We want these lines 6 to 10 to be omitted and substituted by what we have mentioned in amendment No. 478, *viz.*

"Page 13,—

for lines 13 to 17, *substitute*—

"Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such enquiry after giving such person adequate opportunity of making representation on the penalty proposed."

I am not quoting only this. A select committee was constituted on the 15th Constitution Amendment Bill. In the select committee, men like Mr. Setalvad Talwar and Purshottam Tricumdas gave evidence. I am unable to quote from their evidence. They said that a reasonable opportunity is a 'must'. What is a reasonable opportunity? We wanted only two opportunities: one when the charge-sheet is given, to reply to the charge-sheet; and secondly when such a show-cause notice is given, the person concerned should get an oportunity to reply to it. Is it too much? If the hon. Minister does not want our amendment, or if he is unable to accept it, let the original position remain. Let him withdraw this also. Under the next clause i.e. in clause 46, tribunals are expected to be constituted. The scope of these tribunals is also restricted. All the cases of the Central Government employees will go to these tribunals. In view of this, where is the necessity for deleting or amending this Article 311 now? I do not find any reason. I am unable to read the entire proceedings of the House relating to the 15th Amendment. Every Member in that House supported our clause. Shri Sinhasan Singh and all those who were present at that time said that this much opportunity should be given to the Central Government employees. I would request the Law Minister, Mr. Gokhale to convince me, and through me the 22 lakhs of Central Government employees: how will this amendment of Article 311 help the Central Government employees?

When the 15th Amendment was discussed in the House for 4 days, it was our party which suggested an amendment which was seen by the then Law Minister in the Lobby—and he approved of it; there is a reference to this also in the records. Mr. Asoke Sen said that we wanted two opportunities. Even in 1963 when this thing came up, we were reasonable enough to accept that we did not want two opportunities to discuss everything. We wanted the second opportunity to give a reply to the show-cause notice given to the employees informing them about punishment or penalty. That is exactly what we wanted. We never wanted the two opportunities to discuss the whole thing.

I feel that our amendment should be accepted; if Mr. Gokhale is unable to accept our amendment, at least the amendment which was brought in by his predecessor Mr. Asoke Sen should be retained; it should not be disturbed.

At that time also, we discussed it for full four days. Ultimately, it was found that it might be slightly amended, but there should be other amendments brought and this parti-

cular amendment which I read out was brought in.

. . . . . .

The Central Government employees stood like one man during any emergency, whether it was in 1960 or 1965 or 1971. I am telling you that if there is any other internal danger or external aggression, they will again work unitedly. I know that this particular amendment was suggested by us in 1963 and after that it became Government's amendment. This had happened because even the late lamented Pt. Jawaharlal Nehru realised the role played by the Central Government employees in 1962. That is why we request the hon. Minister not to be rigid about it. This is the only Magna Carta for the Central Government employees. Why do you deprive them of that? You are setting up some tribunals without knowing the reference; you are going to set up tribunals where the bureaucrats will be their heads. Why are their rights being curtailed? I request that this should have been discussed at the level of the JCM. Even we were not told about it. I request you to read the Debates of 1963. I am sure you must have read them. You should read the observations made by the Members, eminent parliamentarians like Mr. Krishna Menon and others. I may not be considered because I am an aggrieved man. I know how they were trying to protect me. But, in spite of that, because of Shri Mahavir Tyagi, I was dismissed. Otherwise, Article 311 saves the Central Government employees. Unfortunately, civilian employees in the Defence are not covered under this. Somebody, while drafting the Constitution, left the word 'civilian' in Defence. People thought that this Defence meant Army, Navy and the Air Force. Unfortunately, six lakh Central Government employees known as civilian employees in Defence are not covered under this. I would respectfully request the hon. Minister not to deprive the Central Government employees for the little benefit which they derive under the 15th Amendment to the Constitution. We must rely on the wisdom of those Members who were present in 1963, and unfortunately, I was also present then.

श्री शिवनाथ सिंह (झुंझनू) : अध्यक्ष महोदय, आर्टिकल 311 में केन्द्रीय सरकार और राज्य सरकारों के कुछ कर्मचारियों को कुछ संरक्षण दिये गये हैं, मगर ऐसे कर्मचारियों का परसेंटेज बहुत कम है। जैसा कि श्री एस० एम० बनर्जी ने कहा है, यह सही है कि सभी सरकारी कर्मचारी बुरे नहीं हैं। लेकिन यह भी मानना चाहिये कि संविधान बनने के बाद सरकारी कर्मचारियों की तरफ से क्या क्या नहीं हुआ। देश की जनता उसको भूल नहीं सकती है और इसीलिये उसको सोचने के लिये मजबूर होना पड़ा है कि क्या उनको इतने संरक्षण देना आवश्यक है।

मेरा संशोधन यह है कि आर्टिकल 311 को संविधान से निकाल दिया जाये। हम क्लाज 46 के द्वारा कुछ ट्रिब्यूनल कायम करने जा रहे हैं। मैं इस क्लाज के सम्बन्धित भाग को आपके सामने रखना चाहता हूं :

"323A. (1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India....."

मेरा निवेदन यह है कि जब हम सरकारी कर्मचारियों की रेक्रूटमेंट और कन्डीशन्स आफ सर्विस आदि के लिये ट्रिब्यूनल कायम करना चाहते हैं—और उनको कायम करना चाहिये, क्योंकि उनके द्वारा फैसले जल्दी होते हैं, तो आर्टिकल 311 के अन्तर्गत उनको जो

[श्री शिवनाथ सिंह]

संरक्षण मिले हुये हैं, उनसे सम्बन्धित काम इन ट्रिब्यूनल को दे देना चाहिये।

उनको सर्विस से हटाने के लिये या और काई कार्यवाही करने के लिये ट्रिब्यूनल्स रखिये, संविधान में यह 311 अलग से मत रखिये। संविधान एक पवित्र चीज है। संविधान में जो चीज आ जाती है उसका असर होता है। आज सरकारी कर्मचारी समझते हैं कि हमको तो संविधान में संरक्षण मिला हुआ है। यही उनकी गलतफहमी है। हालांकि आज भी उनके खिलाफ कार्यवाही हो सकती है और होती है लेकिन एक संरक्षण मिला हुआ है तो सरकार भी कुछ करते हुये डरती है और हाईकोर्ट और सुप्रीम कोर्ट भी दूसरी तरह से इस चीज को देखते हैं। इसलिये संविधान से हटा कर ट्रिब्यूनल में जो भी कार्यवाही आप रखना चाहते हैं वह रख दीजिये। उससे उनके मामले एक्सपीडाइट भी हो जायेंगे और यह लोक भी रहेगा। आज उस संरक्षण के कारण किसी को रिड्यूस इन रैंक नहीं कर सकते जब तक कि उसकी प्रापर एन्क्वायरी न हो। दो तीन कैटेगरीज दी हुई हैं जहां बिना एन्क्वायरी के भी ऐक्शन हो सकता है। आज आपके 20 प्वाइंट प्रोग्राम या और दूसरे प्रोग्रामों का इम्प्लीमेंटेशन सरकारी अफसरों के जिम्मे हैं। लेकिन इस प्रकार के अफसर भी आपके हैं जो इन प्रोग्रामों के इम्प्लीमेंटेशन में बाधा देते हैं इनके अन्दर बाधक बन जाते हैं। यदि वे चाहें तो आपके प्रोग्रामों को इम्प्लीमेंट कर सकते हैं और चाहें तो उसमें गड़बड़ी पैदा कर सकते है और आप की पकड़ में भी नहीं आ सकते हैं। एन्क्वायरी का मतलब है कि चार्जशीट होगी, गवाही होगी, फिर दूसरी तरफ से गवाही होगी। उसमें फिर उनके खिलाफ कार्यवाही कर पाना बहुत ही मुश्किल हो जाता है। ऐसे मामले से मामले होते हैं जिनमें इन अफसरों की एन्क्वायरी करने के बाद भी उनके कंडक्ट के ऊपर आप दोषारोपण नहीं कर सकते। दिन भर एक आदमी आफिस में एक फाइल लिये बैठा रहता है, उसी में नोटिंग करता रहता है, यह कहेगा कि मैं तो 11 से 5 बजे तक काम करता रहा हूं आप उसके ऊपर कोई कार्यवाही नहीं कर सकते। इस प्रकार के वाकयात होते रहते हैं। उसके लिये एन्क्वायरी वगैरह करते हैं और यह कांस्टीट्यूशनल संरक्षण रहता है तो उसमें बहुत बाधा आती हैं। आज जनता का दिमाग बना हुआ है कि सरकारी अफसरों से वह बहुत काफी तंग है। इसलिये इनके राइट्स को कर्टेल करना चाहिये और संविधान से 311 को पूर्ण रूप से हटा देना चाहिये। ट्रिब्यूनल्स में उनके लिये व्यवस्था कर सकते हैं। आशा है मंत्री जी इसे स्वीकार करेंगे।

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Speaker, Sir, Mr. Banerjee has already moved this amendment on behalf of our group. What I would like to point out is that by introducing this clause. The Minister is denying to Class III and Class IV employees the right of appealing at the time when punishment is contemplated. The enquiry officer goes into the case and conducts all the enquiries, etc. Then, he puts it up to the disciplinary authority. Surely, the accused should be given the right to put his point of view before the disciplinary authority. This right has been given to the employees after a very long battle and this is sought to be taken away from him.

Here we are discussing a Bill which, as the Minister has pointed out in his introductory speech, is to further strengthen the democratic procedures and democratic institutions. It is amazing that you are taking away a democratic right that the Government employees already have. Surely, the accused should have the right of presenting his case. We have seen that there is always a danger, in Government service particularly, of the higher officers or the superior officers trying to pay off some personal grudge. Many times,

the reinstatements have taken place. We had to go right upto the President to have some employees of the Railways reinstated who were arbitrarily dismissed from service. After the then President, Mr. V. V. Giri, intervened in the matter, nearly 49 Railway employees of the Class III were reinstated.

This is the type of injustice that is possible; this is the type of distortion that is possible and this is the type of bureaucratic excess that is possible if this safeguarding provision is not there. Surely, the Government employees should have the right to make his position clear at the time when the disciplinary action is being contemplated.

We have had some cases for instance during the Emergency period. When these cases were brought to the notice of the higher authorities, we found that some of the people who took such action were continuing in their position with impunity and, on the other hand, there were others who were arbitrarily retired and not given a chance to make their representations and, in spite of repeated representations on a personal level by Members of Parliament to the Minister concerned, they were retired from service. For instance, there was a case where a large number of railway employees in Gonda Loco Shed were sacked. The engineer concerned decided that he was going to sack the whole lot of people. He retired them compulsorily. What happened then? The case was gone into and it was found that there was no ground for the compulsory retirement of those Railway employees. Now, new charges are being cooked up.

Now, if this clause remains even when finally the punishment is to be given, the concerned employee will not have any redress at all or any opportunity of defending himself. Therefore, in keeping with the spirit of the amending Bill which is to strengthen the democratic procedures and democratic process that are there in our cuontry, it is in that background that we have moved this amendment. If the amendment is passed by the Parliament, Clause 2 of article 311 will read as follows:

> "No such person as aforesaid shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and give a reasonable opportunity of being heard in respect of those charges provided that where it is proposed after such enquiry to impose upon him any such penalty, such penalty may be imposed on the basis of evidence adduced during such enquiry and it shall not be necessary to make any such representation on the penalty proposed."

Therefore, you are denying him the right of making any representation, in regard to the proposed penalty and what we are requesting is that you should accept our amendment and preserve the right of making representation against the penalty proposed which, in many cases, may be far beyond what is justifiable. This is the spirit behind our amendment and I hope the Hon. Minister, who seems to have had an allergy to almost all the amendments of this Party, although they had strong democratic content, will not show the same allergy in this case also.

SHRI H. R. GOKHALE: My friend has said that I have allergy for all their amendments. I have no allergy for any amendment at all, but I just cannot accept an amendment just because it is moved by this Party or that Party. Some Hon. Member has said 'you accept at least one amendment from our Party'. If the amendments were good I would not mind accepting even all the amend-

[Shri H. R. Gokhale]

ments from the Party; but the whole question is that whether we accept an amendment or not is not because it comes from this Party or that Party. They must have noticed that I have not accepted any amendment from our Party also.

The point is that this Article has come into our Constitution as a legacy of the Government of India Act. That is not to say that, at that time, there was no reason for continuing this provision in the Constitution. My friend Mr. Banerjee has said that this was done on the collective wisdom of the Constituen Assembly.

SHRI S. M. BANERJEE: I mentioned 1953.

SHRI H. R. GOKHALE: This was made in 53, it is true. But, from that point of view, we can say that everything that is there in the Constitution and everything we are seeking or have sought to put into it has been on the collective wisdom of some time or the other. We have no disrespect for the collective wisdom of that time, but the point is that when we are reconsidering everything now, we are considering it from the point of view of a little more wisdom which we might have gained since that was done.

Now, it is wrong to think that the concept of reasonable opportunity is being taken away. In fact, the earlier part of the Article says that nobody shall be dismissed or reduced in rank without giving a reasonable opportunity. That is not being touched. Therefore, the enquiry must be on the result of a reasonable opportunity and that reasonable opportunity has not been defined here because it is well understood by all and various decisions have also been given by the courts. Therefore, the reasonable opportunity is still there. The only question is whether another opportunity should be given after the enquiry is over when the person holding the enquiry comes to the conclusion that all or some of the charges have been proved and it is therefore necessary to take action against a person. Should he then be given another opportunity to plead that on that basis, not the punishment proposed but some lower punishment or some higher punishment should be given? We have a feeling that this proposal in the amendment does not detract from the concept of reasonable opportunity at all. As I have said, this is still there.

An extreme suggestion has been made, I think by Mr. Das, that the whole Article should be deleted. That means that the 'reasonable opportunity' that is being continued now should be taken away. There is no doubt that there is a strong feeling in some quarters that this Article which is giving special protection to employees of the States and the Union is creating many difficulties, with the result that there is greater indiscipline. For example, the Prime Minister can dismiss a Minister but she cannot dismiss an officer. Instances are not wanting where the proceedings started were completed after the person concerned had retired. In one case, an employee also said 'now you can do what you like since I have retired'. Therefore, some people are saying that the whole Article should go. But that is not our proposal. The Article remains, except for the second part. The second part, which leads to a lot of dilatoriness in the enquiry, need not be there....

SHRI S. M. BANERJEE: That is not what we wanted. The first part is that when a charge-sheet is given an opportunity to reply to the charge-sheet will be given. But after some punishment is decided upon and when a notice is given that the Government has decided to impose such and such a punishment, he should be given an opportunity to reply to that also.

SHRI H. R. GOKHALE: This whole point was discussed. I have

had some experience of these enquiries, not only in courts but otherwise also. I know what you are saying. You are saying that it is not enough if you give him an opportunity at the time of holding the preliminary enquiry; after coming to a conclusion that the charges are proved, on the basis of those proved charges you should further ask him what he has to say in regard to the penalty that is proposed to be inflicted.

SHRI S. M. BANERJEE: He should be allowed to make a representation.

SHRI H. R. GOKHALE: Nobody is prevented from making a representation. If somebody wants to make a representation, nobody will say he shouldn't. No citizen is prevented from making a representation; but the point is whether a Constitutional guarantee . . .

SHRI S. M. BANERJEE: This is very important. My point is that the Civil Services Rules which are in consonance with Art. 3 say that when he is given a charge-sheet, he replies to the charge-sheet and he is heard in person, and then, after an Inquiry Officer is appointed and he gives his findings, he is given another opportunity. That is not a further inquiry . . .

SHRI H. R. GOKHALE: If you are thinking of an enquiry at the stage when evidence is taken or documents are collected, this is not an enquiry of that type. This is in the sense that after a *prima facie* conclusion is reached with regard to the guilt of a person, according to you, the person must be told that 'this is the conclusion to which I have come and I want to dismiss you; have you anything to say?' Because even if the charges are proved they may not justify dismissal but may justify only some lesser penalty like a warning or other penalties mentioned here. I think that is your point. But the point I am making is that this does not detract from the main condition in the Article that an inquiry has to be made after an opportunity is given. After a conclusion to reached regarding the guilt of the accused, if anyone wants to make a representation, this does not prevent them from making the representation also.

SHRI INDRAJIT GUPTA: It does.

SHRI H. R. GOKHALE: It does not; it only says that there is no obligation . .

SHRI S. M. BANERJEE: It says that nobody can set aside the conclusion at the enquiry on the ground that a second opportunity as a matter of Constitutional obligation was not given.

SHRI H. R. GOKHALE: But the person may make a representation on the penalty proposed to be imposed.

SHRI S. M. BANERJEE: Are you going to amend the Civil Services (Classification, Control and Appeal) Rules after this?

SHRI H. R. GOKHALE: I can't say. Normally, rules will be in line with the Constitutional rules and most rules provide for two stages of an enquiry. I know that, because that is a Constitutional provision.

MR. SPEAKER: The Rules cannot be otherwise.

SHRI H. R. GOKHALE: I agree with you that the rules here are like that. Later on, to the extent to which we have to bring the rules in line with the Constitutional Provision, some amendment of the rule may be necessary. But I cannot at this stage say which rule will be amended and in what way. Therefore, let us remove the impression that opportunity is not being given. The extreme example is what my friend, Mr. Dharnidhar Das has suggested, namely, delete the whole thing. I am not in a position

[Shri H. R. Gokhale]

at the moment to accept that amendment. Some Members have asked why there should be a Constitutional provision and have said that we could make an Ordinary law. But these are things which can be considered at the appropriate time. I do not think I can accept either this amendment or the other amendments.

MR. SPEAKER: Discussion on this Clause is concluded. We go no to Clause 45.

Clause 45— (*Amendment of Article 312*).

SHRI C. M. STEPHEN (Muvattupuzha): I beg to move·

Page 13,—

omit lines 23 to 35.

Page 13,—

omit lines 23 to 35.

SHRI K. MAYATHEVAR: I beg to move:

Page 13, line 28, —

after "district judge" *insert*—

"and district munsifs and first class Magistrates"

MR. SPEAKER: Before I call upon Mr. Stephen to speak, I would once again request the hon. Member to be brief, because, we are taking one hour for each Clause. I do not want to deny the opportunity to the Member who wants to speak, but he should be brief. I think, each hon. Member can make his point in five minutes. Mr. Stephen.

SHRI C. M. STEPHEN: I take the floor of the House to highlight what appears to me a very, very vital matter. A matter of Constitutional Principle is involved here; I refer to the sub-clause (4) which is proposed and which reads as follows:—

"The law providing for the creation of the all-India judical service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purpose of article 368."

If you think of the implications of this Clause, I feel that the Constitutional sense of anybody will get a jolt. Here is the Constitution, and Chapter VI of part VI is a part of the Constitution and that part contains five articles. Article 368 says that any part of the Constitution can be amended, and there is a procedure stipulated for that. You can amend the provisions of the Constitution only by the exercise of your constituent power and only by a particular proceeding. And here is a wonderful, new device which says that Parliament may pass a law; the law may provide for amendment of certain articles of the Constitution, and the Articles will stand amended; and that law will not be deemed to be an amendment under article 368. If this is a valid provision, you can as well pass a law and amend any article in this Constitution, and you can say that that amendment will not be deemed to be an amendment under article 368. There are two contradictory positions. Article 368 speaks of the constituent power, only by a particular procedure, Constitution can be amended and then alone the Constitution will stand amended. Here we say that we forget about article 368 and, under an ordinary law, we can amend the Constitution. The question is whether you can delegate your constituent power to a legislative authority of Parliament. Constituent authority is different from legislative authority. Five articles of the Constitution are involved here. We are blaming the judiciary for interference. If we are going to amend the Constitution in this way, how can we blame the judiciary? Two articles are put forth be-

fore them. One is compulsory; it says that any provision of the Constitution shall not be amended except by the exercise of the constituent power—to amend by way of addition, variation or repeal.

13.00 hrs.

[MR. DEPUTY SPEAKER in the Chair.]

Here are provisions to be amended by an ordinary law. According to me this is a revolting concept, an absolutely revolting concept, which cannot stand muster at all. Look at Chapter VII of Part VI. I do not find any need for this extraordinary provision. The all-India judicial service is concerned only with district judges and upwards, not below. This is very clearly stated in the Bill:

> "The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge as defined in Article 236"

Go through this Chapter. You find only one clause, where the district judges come in. Article 233 is the only Article, which speaks about district judges? Article 233A speaks of the judges who are sitting in regularization; that is no longer relevant. Article 234 relates to recruitment of persons other than district judges, to the judicial service. There, the all-India service does not come into the picture. Article 235 is regarding control of the high courts on judiciary inferior to the district judges. And then comes the Article regarding interpretation. This is all that comes in. Therefore, there is one only one Article. Possibly, Article 235 also will be affected by this all-India judicial service. Easily, you can amend that Article today to make it adjustable according to all-India judicial service, you are bringing in.

This extra-ordinary concept of delegating your constituent power to the legislative function of the Parliament and saying that by a simple majority, you can amend any Article of this Constitution is a revolt agains Article 368. Let us not make the amending powers of this House a mockery, and you cannot do that. Article 368 is a mandatory provision; you are getting away from it. I know, an answer will be a plea under Article 3 of the Constitution. Article 3 says:

> "Parliament may by law—
>
> (a) form a new State....
>
> (b) increase the area of any State;
>
> (c) diminish the area of any State" etc.

And Article 4 says that any law, whereby a new State can be evolved and all that consequential changes can be effected in the Schedule and they say that they need not be deemed an amendment of the Constitution. Fourth Schedule is only the list of States, you are forming. The Constitution gives the parliament power to redraw the boundaries of any State, to amalgamate or to separate any State and consequently, the representation to the Rajya Sabha will vary. This is an arithmatical proposit on. For that consequential changes can be effected under Article 4 and for that you need not have two-thirds majority. That has no comparison with the present position at all. In the first place, this is the parent law. The Constitution, as framed at that time, permitted this. There is no question of the Constitution being amended; this will not be part of the Constitution; you can do it by law. On the other hand, after twenty six years, you are now coming with a new proposition saying that an ordinary law will amend six Articles of the Constitution. I am submitting that this is absolutely unconstitutional, absolutely wrong. Let us have some respect for this great document, we sweared by. The fathers of the Constitution had a great respect for this document and let us have some respect also. We swear by this Constitution.

[Shri C. M. Stephen]

Article 368 is a cornerstone of this Constitution; we are operating under that. We hold every Article of the Constitution sacred. It is not to be tampered with by an ordinary law to be passed by the Parliament. You can as well wipe out, completely wipe out Article 368 and in its place, put in another article, saying that the Parliament may pass a law whereby it may amend any Article of the Constitution and that shall not be deemed to be an amendment of Article 368. Here, I am reminded of a sentence by Justice Beg of the Supreme Court in the Keshavananda Bharati case. It was a famous dictum. A one sentence amendment. The question was: can you have a one-sentence amendment of the Constitution whereby the Indian Constitution stands amended? That was the question raised and the answer was that we can have a one-sentence amendment of the Constitution whereby the entire constitution can be obliterated, any article can be wiped out, anything can be repealed and anything can be amended. This is a point which I wanted to highlight. I do not know whether the Government is going to accept my objection. It could have as well put in an article in Chapter VI that the recruitment and conditions of service of District Judges may be governed by any law that the Government may pass....

DR. KAILAS (Bombay-South): Then what is your solution to the amendment moved by the Government? Do you want to keep it as it is or delete it?

SHRI C. M. STEPHEN: This is a violation of Article 368 as I could see. This runs counter to Article 368. It is wrong. That is what I am saying. You are making a mockery of Article 368 by this. Other methods you can employ. In Chapter VI you can say that the Judicial Service can be controlled by such and such law and until then, the following provisions will apply. I just wanted to highlight and would urge upon the government to consider this aspect. I know the reply will come quoting Article 4. I would say Article 4 is entirely different from this. Article 4 is a part of the Constitution. When the Constitution was framed, immediately, at that time, in the year 1949, Article 4 was there and as a part of the Constitution and it has been handed down to us, that the Fourth Schedule need not be considered as a part of the Constitution and that it will stand amended if, by law, you change the boundaries of any State. That cannot be quoted now for the purpose of amending the Constitution. Here the position is entirely different. This is an illegal, unconstitutional provision which goes against our constitution, against Article 368. You are now including the constituent power also saying that there is no difference between the constituent power and the legislative power. You are putting in a proposition that the constituent power is a delegatable power. It is not a delegatable power. You cannot delegate the constituent power. This is what we are objecting to. This is a highly objectionable proposition.

This is all what I wanted to point out. I do not want to add anything more.

SHRI K. MAYATHEVAR: As we are aware, under Article 312 subclause (2) we have got now services like the Indian Police Servcie, Indian Administrative Service etc. from the very inception of the Constitution of India. But I wonder why the All India Judicial Services have not been included so far till this moment although it has been laid down in Art. 336. Now I am happy and I congratulate the Law Minister for having come forward at least at this eleventh hour to include District and Sessions Judges at least in the All India Judicial Service.

I want to say one more thing, on behalf of the District Munsiffs and the

Sub-Judges and the First Class Magistrates, that is, the Sub-divisional Magistrates. These Sub-Divisional Magistrates are called First Class services and the Sub-Judges are in between the First Class Magistrates and the District and Session Judges. The District Munsiffs are also equivalent to the First Class Magistrates. In so far as at least the police officials are concerned, the Deputy Superintendents are a State service and the Asst. Superintendents are a central service. IAS officials, Sub-Collectors and Asst. Collectors are from the central recruitment and the Deputy Collectors are recruited in the State Service and they are First Class Services. They are holding Class I post. District Munsifs are also selected by the State Service as in Class I service. There should not be discrimination between the 1st Clas Magistrate in the judiciary and the 1st Class Official in the IPS and IAS. My pleadings are you must include the Sub-Judges and the 1st Class Magistrates and the District Munsifs in the All India Judicial Service in the course of amending Article 312 (1) and (2) in the All India Judicial Service.

You have recently read the story of hon. Justice Sarkaria. There was an attempt on his life. An attempt had been made on the life of our present Chief Justice. This has been so not only in Tamilnadu but throughout India. Life of a judge is a very risky life. Therefore, they should be paid properly. I repeatedly plead for my submission with all the emphasis at my command. Hon. Minister had himself been a lawyer and a judge. He knows the difficulties of judicial persons.

District Munsifs and Sub Judges should be included in All India Service.

SHRI H. R. GOKHALE: Mr. Deputy-Speaker, when an argument is made, as was made by my hon. friend Shri Stephen, *prima facie* that appears to be a very strong argument. In fact, I had the good fortune of discussing this point earlier and I had been looking this point with great anxiety. When I say *prima facie*, it gives an impression that it is a very sound argument. I looked up other provisions of the Constitution also.

Certainly, this is not my invention. I am not referring only to Article 4. There are some other provisions where exactly the same thing has been done not only by Parliament, under Article 368, but also by the Constituent Assembly itself.

Let me go to Article 4. I want to remove the impression that the matters referred to in Article 4 are some consequential matters and that they are not important.

Part I of the Constitution is a very important part of our Constitution. Part I gives us the composition, the formation of the Union and its territory. Article 4 to which reference was made says—

> "Any law referred to in Article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law may also contain such supplemental, incidental and consequential provisions....."*

Article 2 says—

> "Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit."

Surely the matter in which you admit a new State in the territory of India is not a matter of no significance. It is a matter of great significance from the point of view of total composition of the territories of India.

Article 3 says—

> "Parliament may by law—
>
> (a) form a new State by separation of territory from any

[Shri H. R. Gokhle]

State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;

(b) increase the area of any State;

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State."

I am not able to agree that these are not matters of fundamental importance. Yet Article 4, after the part which I have already read says:

"No such law as aforesaid shall be deemed to be an amendment of the Constitution for the purpose of Article 368."

Why was it necessary? It was necessary because, if it had not been there, it would have been regarded as an amendment of the constitution, under Article 368. This was done at the very beginning, at the time of the formulation of the constitution by the Constituent Assembly. This was not regarded as an erosion of the power of the Parliament. We have got three other provisions about which I will mention just now. We have got the Sixth Schedule here. It is a very important schedule which deals with vital and fundamental matters. And yet, there is a provision that any change in the Sixth Schedule can be brought about by an ordinary law and an amendment of the Constitution under Article 368 is not necessary.

Let us go to another provision. This is regarding citizenship. I don't think there can be any dispute on the point that citizenship is a most vital and important provision. Here Article 11 states:—

"Nothing in the foregoing provisions of this part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship."

So, by ordinary law, you can say that any citizenship can be acquired or can be terminated. Let me also refer to Article 5 which refers to citizenship. It says:

'At the commencement of this Constitution, every person who has his domicile in the territory of India and....

(a) who was born in the territory of India, or

(b) either of whose parents was born in the territory of India, or

(c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement.

shall be a citizen of India."

So, this can be altered by ordinary law. I think I need not read out the whole thing. This matter of fundamental importance can be altered by ordinary law. Please see article 169(3). This deals with abolition and creation of legislative councils in States. Here you have an expressly identical provision. It says:

'No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of Article 368.'

If this provision was not made any such law would have been regarded as amendment of the constitution and the procedure under article 368 would have to be followed. Therefore, it is in the scheme of the Constitution that even in regard to some important and vital matters power was given to Parliament to make those changes by ordinary law. Therefore, it is not correct to say that we have this provision for the first time and so on.

DR. KAILAS: If you don't add the words what will happen?

SHRI H. R. GOKHALE: It will be very bad not to add the words. There Mr. Stephen would be perfectly right if we did not say this. There one would argue, it is amendment of the constitution, because there is no such express provision that this will not be regarded as an amendment under Article 368. So, this has not come out from my own brain or from the brain of my draftsmen. This was something which has been followed by the Constituent Assembly. Even in respect of certain legislation which can be regarded as amendment of the constitution, the Constituent Assembly thought it fit to leave it to Parliament to pass the necessary law. This is not to be regarded as amendment under Article 368. So far as the present amendment is concerned, as I said, it is not a blanket thing. Take for instance the constitution of an All-India Judical Service.

Now, the only purpose here is to provide for the creation of an All-India Judicial Service. The law may contain such provisions for the amendments to Chapter IV of Part VI. It is not correct to say that you can amend any part of the Constitution now and in the future, you do not have to go to Parliament to amend the Constitution under Art. 368 at all. I got this impression. If I am wrong you may correct me. (*Interruptions*). I thought you gave this impression. Anyway, if you go to Chapter VI of Part VI, here we are talking of constitution of an All-India Judicial Service, that deals with subordinate courts. I need not read all of them. Here, for example, we have a definition of what is meant by a district judge. And then, you leave the provision that is there, to-day the power is given to the high court, in consultation with the Governor, to decide some matters, such as the posting or transfer of district judges. Here the high court means only the high court in respect of a particular State in which, under the present system of judiciary, the high court is located. There is no All-India Judicial Service now. When that is made, then, how can the high court do it? Which high court will do it?

Therefore, the power will have to be vested in some authority which can operate in respect of all the territories of India. Maybe, we will have to give the power to the Supreme Court or, maybe, the power may have to be vested in some other authority which can have it to deal with the district judges when the service is formed in respect of such district judges. These are merely consequential provisions. So, it is not right for you to say that we can amend any provision of the Constitution, even the provision of this power is only to the extent it is necessary. (*Interruptions*). I have not said here that we are going to amend this. It is only the power to deal with a problem which can arise on the experience which we gain while we constitute the All-India Judicial Service. Moreover, the all-India judicial service is not going to be constituted by an executive order. There has to be a resolution in the Rajya Sabha as in respect of other services, there has to be legislation for this purpose. And, certainly, all these matters will come before Parliament. Therefore, my submission is that let not the impression remain firstly that we are doing something new that nobody had thought of or even the Constituent Assembly thought of it. Secondly, it is not so blanket that you can completely erode now the power of Parliament under Art. 368.

SHRI C. M. STEPHEN: The point raised here is not understood properly. The point raised was this. The article quoted by him was what was part of the Constitution framed in 1949. That Constitution says that certain things can be altered by law. That is the framework of the Constitution.

The point is that under the provisions of Art. 368, you can amend any of these things. The Constitution as

[Shri C. M. Stephen]

such, when it was framed, provided for certain articles. That is very clear. That I concede. The law proposed by you is to give unto yourself the right to amend several articlts or some articles. This is a new thing. That being so, if you want to make any changes in the Constitution, you can do that under Art. 368. You will provide that, certain articles, in spite of Art. 368, you can amend. You can amend certain other articles by a simple majority. This is the contradiction. I am saying that there is no comparison between the two. That is all I can say about this.

SHRI H. R. GOKHALE: Sir, I have explained the reasons. If the Constituent Assembly can do it, certainly, this Parliament can also do that. Parliament has got the powers to amend it.

SHRI K. NARAYAN RAO (Bobilli): Can you give an example?

SHRI H. R. GOKHALE: It has been done recently when we dealt with the constitution of tribunals in Andhra Pradesh.

MR. DEPUTY-SPEAKER: You want to include some more services in this. He wants even the lower services to be included in the judicial service.

SHRI H. R. GOKHALE: Sir, I would have myself liked it. But, we do not have the all-India judicial service from the beginning. We thought that it would be encroaching on the State's field and, to that extent, may be, we may make a beginning at the district judges level, and see by experience whether it works satisfactorily. It may be, there is something in what he says but we can look into it after we gain some experience.

Clause 46—(*Insertion of new Part XIVA*)

SHRI P. R. SHENOY (Udipi): I beg to move:

Page 14, line 14,—

after "article 136" *insert*—

"but including the jurisdiction of a High Court under article 226" (13)

Page 14, line 38,—

after "tax" *insert*—

"including the tax levied, assessed or collected by a local authority" (14)

Page 15, line 26,—

after "article 136" *insert*—

"but including the jurisdiction of a High Court under article 226" (15)

Page 14, line 40,—

add at the end—

"and collection of arrears due to or by a banking company" (267)

SHRI B. R. SHUKLA (Bahraich): I beg to move.

Page 14, lines 33 and 34,—

omit ", or offences" (72)

Page 15, line 23.—

after "evidence" *insert*—

"and the representation of lawyers" (73)

Page 15, line 26,—

after "article 136" *insert*—

"and the ordinary criminal courts functioning under the Code of Criminal Procedure, 1974" (74)

Page 14, line 11,—

after "evidence" *insert*—

"and representation by counsel" (95)

Page 14, line 14,--

after "article 136" *insert*--

"and that of High Court purely on point of law as provided in Code of Civil Procedure in matters of second appeal." (96).

Page 15,—

omit lines 12 to 14. (97)

Page 15, line 26,--

after "art.cle 136" *insert*—

"and the jurisdiction of ordinary criminal courts" (98)

SHRI C. M STEPHEN: I beg to move:

Page 13, lines 40 and 41,—

omit "the adjudication or trial by" (131)

Page 13, line 41,--

after "tribunals' *insert*—

for the adjudication" (132)

Page 13, line 41,—

omit "and complaints" (133)

Page 13 and 14,—

for lines 42 to 44 and 1 and 2 respectively,

substitute "respect to employment, non-employment and conditions of service of persons covered by article 311(1)." (134)

Page 14, lines 4 and 5,—

for "an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States"

substitute "a hierarchy of administrative tribunals and the composition thereof" (135)

Page 14,—

omit lines 7 to 12. (136)

Page 14, lines 13 and 14,—

for "except the jurisdiction" *substitute*—

"including the jurisdiction under article 32 and article 226 but not" (137)

Page 14,—

omit lines 29 to 31. (133)

Page 14,—

for lines 32 to 35, *substitute*-

"323B. (1) Parliament or the State Legislatures may, subject to Part XI, provide by law for tribunals for adjudication on disputes with respect to the matters specified in clause (2)." (139)

Page 14,—

for line 38, *substitute*—

"(a) assessment, levy and collection of tax;" (140)

Page 14,—

for line 41, *substitute*—

"(c) industrial disputes and labour laws;" (141)

Pages 14 and 15,—

for lines 42 and 43 and 1 and 2 respectively,

substitute "(d) land reforms;" (142)

Page 15,—

omit lines 4 to 6. (143)

Page 15, line 7,—

omit "supply and" (144)

[Shri C. M. Stephen]

Page 15, line 7,—

after "distribution" *insert*—

"and fixation of prices" (145)

Page 15, lines 10 and 11,—

omit "and control of prices of such goods" (146).

Page 15, lines 13 and 14,—

omit "and fees in respect of any of those matters" (148)

Page 15,—

omit lines 15 and 16. (149)

Page 15,—

omit lines 19 to 24. (150)

Page 15, lines 25 and 26,—

for "except the jurisdiction of" *substitute*—

"including the jurisdiction under articles 32 and 226 but not of" (151)

Page 15,—

omit lines 29 to 34 (152)

Page 15, lines 36 and 37,—

omit "(including provisions as to fees) as the appropriate Legislature may deem necessary" (153)

Page 15, lines 38 and 39,—

omit "and for the speedy disposal of cases by, and the enforcement of the orders of," (154)

Page 15,—

omit lines 40 to 42. (155)

SHRI K. NARAYANA RAO: I beg to move:

Page 14, line 2,—

for "the Government of India" *substitute*—

"the Government of India or any State Government." (356)

Page 14,—

after line 6, *insert*—

"(aa) provide for the establishment of appellate administrative tribunals;

(aaa) prescribe the qualifications and conditions of service of members of the said tribunals;" (357)

Page 15,—

after line 18, *insert*—

"(aa) prescribe the qualifications and conditions of service of the members of the said tribunals;" (358)

SHRI S. M. BANERJEE: I beg to move:

Page 13, line 42,—

for "and conditions of service" *substitute*—

"conditions of service, reversion, discharge, removal, dismissal from service, premature or compulsory retirement". (479)

Page 14, line 6,—

add at the end—

"which shall include members of the public service commission, judges of the Supreme Court and High Courts, representatives of the employees and eminent public figures other than retired administrators." (480)

Page 14, line 41,—

add at the end—

"including disputes concerning agricultural labour" (575)

SHRI K. MAYATHEVAR: I beg to move:

Page 14, line 6,—

add at the end—

"to be presided over by the Judges not below the rank of the High Court Judges" (542)

SHRI SHANKAR DAYAL SINGH (Chatra): I beg to move:

Page 14, lines 5 and 6,—

for "a separate administrative tribunal for each State or for two or more States"

substitute "regional administrative tribunals for the States." (565)

Page 14, line 41,—

after "and" *insert* "rural or agricultural." (566)

SHRI B. V. NAIR (Kanara): I beg to move:

Page 13, line 42,—

after "respect to" *insert*

"the tenure, permanency and creation of posts," (592)

Page 14, line 32,—

after "law", *insert*—

"only in respect of laws which have been added to the Ninth Schedule to the Constitution" (685)

SHRI SHIVNATH SINGH (Jhunjhunu): I beg to move:

Page 15, lines 7 and 8,—

for "food-stuffs (including edible oilseeds and oils)"

Substitute "essential goods (including edible oilseeds, oils and industrial goods)" (636)

SHRI M. C. DAGA (Pali): I beg to move:

Page 14, line 6,—

add at the end,—

"which shall be under the direct control and supervision of the High Court in whose Jurisdiction the Tribunals have been established" (643)

Page 14, line 12,—

add at the end—

"as laid down in the Code of Civil Procedure" (644)

Page 14, line 14,—

after "article 136" *insert* "and of the High Court under article 226" (645)

SHRI P. R. SHENOY (Udipi): Mr. Deputy Speaker, Sir, clause 46 of the Bill seeks to introduce a new part, namely, part XIV(A) for the establishment of tribunals or hierarchy of tribunals. The object of these tribunals is to settle certain disputes or complaints excluding the jurisdiction of other civil courts.

In the proposed clause 2 of the proposed Article 323(a) in sub-clause (d) it is said:

"Law made under clause (1) may exclude the jurisdiction of all courts except the jurisdiction of the Supreme Court under Article 136 with respect to the disputes and complaints referred to in clause (1)".

Similarly, under the proposed clause 3 of the proposed Article 323(b) in sub-clause (d) it is said:

"Law made under clause 1 may exclude jurisdiction of all courts except the jurisdiction of the Supreme Court under Article 136 with respect to all or any of the matters falling within the jurisdiction of the said tribunals."

Sir, it makes an exception in the case of Supreme Court, that is, Supreme Court's jurisdiction under Article 136 but though it is not

[Shri P. R. Shenoy]

mentioned it also excepts the jurisdiction of the Supreme Court under Article 32 because under Article 13 of the Constitution any law which violates any fundamental right is void and, therefore, though Parliament is enabled under Article 323(a) and State legislature is enabled under Article 323(b) to exclude the jurisdiction of Supreme Court—except its jurisdiction under Article 136—still the Supreme Court will have jurisdiction under article 32 to adjudicate upon disputes in which fundamental rights are involved. I have no objection to this but my fear is that it may not exclude the jurisdiction of the High Courts under Article 226 also. Though it is said that Parliament or State legislature may exclude the jurisdiction of all courts excepting the Supreme Court, meaning thereby that the legislature can exclude the jurisdiction of High Courts, it may still mean that the jurisdiction of High Courts under Article 226 is not excluded because the jurisdiction given to High Courts under Article 226 is a special jurisdiction. We get our grievances redressed by means of filing a writ petition which is a special remedy and, therefore, it is absolutely necessary to say that the jurisdiction of the High Courts under Article 226 is also excluded. This is essential because in our own State of Karnataka hundreds of writ petitions have been filed against the tenants by landlords and, as such, the Land Reforms Act could not be fully implemented.

After the passing of the Constitution Bill the State legislatures may bring some law to exclude the jurisdiction of the High Courts but the High Courts may still hold that their jurisdiction under Article 226 cannot be excluded by the new provision of the Constitution. I do not want that there should be any loophole in this matter and, therefore, I want these Articles 323(a) and 323(b) should be amended suitably to expressly exclude the jurisdiction of High Court under Article 226 to issue writ in any form.

Secondly, Sir, there is another provision under the proposed Article 323(b) clause 2. The matters referred to in clause 1 are the following: (a) levy assessment, collection and enforcement of any tax. Now, this may mean tax levied only by the Centre and the State. To make it very clear I would like to add under sub-clause (1): levy assessment, collection and enforcement of any tax including the tax levied, assessed or collected by a local authority. That will make it clear that the State legislature can form hierarchy of tribunals for settling disputes in the matter of tax levied by local authorities. It is better to expressly safeguard the interest of the local authorities also under this new provision.

Further, Sir, I would like one more dispute to be got added for the adjudication of trial by the tribunal. At present all disputes in the matter of collection of arrears by the banks, the banks have to go to the courts. The customer is the victim. In the case of small scale industrialists when an industry is established by them and it becomes sick immediately the banks go to the court and file suits. The litigation in ordinary civil courts is very costly. One has to pay 7 per cent to 8 per cent as court fees alone and this would mean a lot of cost to the small industrialists and other parties who have already become sick. Therefore it is necessary to see that the customers of banks do not suffer under the ordinary law. If this matter is taken up by a tribunal there is no question of paying heavy cost to the banks. Secondly, provision can be made in the law for establishing a hierarchy of tribunals for nursing the industries which are sick. At present the civil courts cannot force the banks to have some nursing scheme If we have tribunals banks can be compelled to form some nursing schemes under which small sick units can be nursed. If this provision is made it is good for the banks also because when a matter is taken to the civil court it will take years for the

bank to get a decree. In fact many banks insist that there must be some provision for them to take matters to some tribunal like the tribunals of the cooperative societies. In the case of cooperative societies they need not go to the bank for collecting the arrears. They have their own set-up to collect the arrears. Similarly banks also want that there must be some institution which would enable them to collect arrears quickly. Therefore, in the interest of banks also it is better to have a hierarchy of tribunals for the collection of arrears by the banks. With these words, I conclude my remarks.

SHRI B. R. SHUKLA (Bahraich): A very pernicious departure from the present system of the judiciary is sought to be introduced under the very comprehensive clause, namely clause 46, which deals with the setting up of administrative tribunals and other tribunals. It is true that tribunals manned by experienced administrators will expeditiously dispose of service matters. There is one difficulty. The jurisdiction of all courts, including High Courts is sought to be excluded in matters which fall within the jurisdiction of the tribunals. If an employee is dismissed and his grievance is not redressed to his satisfaction by a service tribunal the only remedy left to him is to rush to the Supreme Court located in New Delhi. How exorbitant and prohibitive is litigation expenditure is known even to rich persons. In a country where the employees range from petty officials to white-collared officials, it would be virtual denial of justice to many officers if they are not given a chance to place their matter before the High Court even on points of law. What is the difference between the calibre of a judge of the high court and the judge of the supreme court, except that he has not been promoted from that court to this court? If the matter can be interpreted effectively and adequately and independently by the judges of the supreme court, why can it not be done by the judges of the state high courts? My submission is that a final review should be open to the litigant against the decision of a service tribunal before a high court on points of law if not on points of fact. Some other types of tribunals are sought to be provided under article 323(b). It says:

> "(a) levy, assessment, collection and enforcement of any tax;
>
> (b) foreign exchange, import and export across customs frontiers;
>
> (c) industrial and labour disputes;
>
> (d) land reforms by way of acquisition by the State of any estate as defined in article 31A or of any rights therein or the extinguishment or modifications of any such rights by way of ceiling on agricultural land or in any other way;
>
> (e) ceiling on urban property;
>
> (f) elections to either House of Parliament or the House or either House of the Legislature of a State but excluding the matters referred to in article 329 and article 329A;
>
> (g) production, procurement, supply and distribution of food stuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this article and control of prices of such goods;"

All these are very good provisions in so far as they would fall within the jurisdiction of the Tribunals. We do not stand for the view that the Government's policy and action on essential aspects may be paralysed by a long and protracted delay in litigation in civil or criminal Courts including the highest one in the coun-

[Shri B. R. Shukla]

try. But another provision has been made that all offences relating to these matters shall be excluded from the purview of any Court except the Supreme Court under Article 136. Under the present state of affairs we have got 4 gradations of Courts—the Court of Magistrate, the Court of Sessions Judge, the High Court and the Supreme Court. Now, if a person has contravened a provision of Essential Commodities Act, he has to be tried by a Court of the Magistrate If the offence is more serious, more serious punishment is called for, he will be committed to the Sessions Court. He will have the right of appeal to the High Court from the Sessions Court. The bail application can be moved only in this Court. Now, all these matters will go only to Tribunals under Article 46. In the Directive Principles of the Constitution, a very noble principle was adopted that "it shall be the duty of the State to take steps to separate judiciary from the executive". We have spoken eloquently on the floor of the House while discussing the Directive Principles that they are very good, they are very fundamental for the governance of the country and when there is a difference between the Directive Principals and Fundamental Principles, the precedence will be given to the Directive Principles. But here we are making a very silent type of go-bye to that salutary principle and we are introducing executive tribunals, even worse than the Magistrate Courts. So, my submission is that so far as the jurisdiction of trying the offenders for offence committed or alleged to have been committed for is concerned the Tribunals should not have any jurisdiction whatsoever. After all, there are a variety of services operating in this country. No single service has been criticised in this way as the judiciary service. I do not know what after all has happened that we are so much disappointed about the behaviour of the judiciary in this country. We have made the law, we have appointed the judges, we have created the law and if they are not functioning properly, then they should be dismissed. Let the judiciary be manned in some other way. But I do not understand that a country which is wedded to democracy, where the rule of law is the bed-rock of the system that judiciary should be treated in such a cavalier and uncerimonious fashion. Therefore, my submission is that so far the offences relating to matters enumerated in 323B are concerned, they should not fall within the purview and jurisdiction of these Tribunals. It is sought to be provided under article 323B that the appropriate legislature may provide for the procedure, including the law of limitation, evidence, etc. The Evidence Act obtaining in our country is an improvement even on the laws of evidence obtaining in the U.K. It is not merely a figment of imagination of some technical brain. It is based on human psychology and experience. Suppose some State legislature provides that hearsay evidence is admissible. That is, somebody says, "I have heard that such and such a person committed this offence." Would that be applicable? Why should the law of evidence prevailing in the country be excluded from these tribunals?

Then, it has been said that it may provide for its own procedure. The special procedure may provide for exclusion of the appearance of a lawyer. In the Constitution, article 22 provides a fundamental right that an accused person who has been arrested or detained shall be defended by a legal practitioner of his own choice. These tribunals for which special procedure is being provided for, may provide for the exclusion of all these things. Mr. Gokhale, who was a good judge, a better lawyer and best politician may ponder over these provisions. Let him recall the words which he wrote down in the commemorative volume of the Indian Constitution that the judiciary has stood the test of time in this country. My humble submission is, with all its faults and failings, the judiciary has operated as

a safety valve for the accumulated grievances of the people. Therefore, my amendment should deserve some serious attention from the Law Minister.

SHRI C. M. STEPHEN: The purpose of these two new clauses, according to me, is absolutely unexceptionable. I do not share the apprehension expressed by my hon. friend, Shri Shukla nor am I prepared to treat them as a reflection on the judiciary of this country. Tribunals are not unknown to us. There are any number of them already established and functioning. A country as vast as India has so many problems and it is essential that what is known as the administrative law must develop in this country. It need not be an adjunct of the formal types of courts. What is necessary for the citizen is, if there is a grievance, there must be a forum where the grievance must be heard and redressed. If the citizen is not satisfied with the verdict of the first tribunal, it may also be that he is entitled to have a second area where he could go and appeal whether that is called district court, high court, etc. is immaterial. There must be some independent persons to hear the grievance. That is all that is necessary and that is what is being attempted. Now what is happening is, courts which know nothing of these matters hear them and finally give some sort of judgment after setting aside what has taken place. Therefore, tribunals which have got specialised knowledge and expertise to go into these matters must be set up. That is the spirit in which administrative courts of France have been built up.

It is an admitted fact that, what is known as, administrative law has very substantially contributed to the jurisprudential concept and jurisprudential area. These are the courts to be developed. Now, my humble submission is this. According to me, a new article for this purpose is not necessary because Article 223A gives power to the Government to constitute a tribunal. The power is already there. In the Union List, for example, Item No. 61 says: "industrial disputes concerning Union employees". So, they have got the powers with respect to the Union employees. In comparison, in the Concurrent List under Item No. 22, you find "trade unions, industrial and labour disputes". Because of this Item, we set up industrial tribunals, we set up appellate tribunals and we draw up rules of procedure. The trade unions and industrial disputes are in the Concurrent List. So, the Parliament enacts a law. The rules of procedures are also enacted. This is a matter which can be done by an ordinary law, by subordinate legislation. What can be done by ordinary law and by subordinate legislation is now sought to be incorporated in the Constitution as if a new power is being taken. So, no new provision in the Constitution is necessary. If you go through this clause, you will find that two pages have been devoted only on this clause giving all sorts of minor details which can be given in the rules. I would like to know how the Ministry think about it? If this provision is not there, will there be no power? What is necessary is to add 'employees of the State Government and corporation also'. This will serve the purpose. That is all I want to say on this.

Coming to the proposal, there are two or three lacune which I would like to point out. Sub-clause 2 on page 14 says: "A law made under clause (1) may provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two ro more States". When we compare this with sub-clause 3 on page 15 it says: "A law made under clause (1) may provide for the establishment of a hierarchy of tribunals". My submission is that in one area you provide for hierarchy of tribunals and in

[Shri C. M. Stephen]

other area, you confine yourself to one tribunal for each State or for two or more States. If this constitutional provision was not there, you could have created a hierarchy of tribunals. In spite of the provisions 'the provisions of this article shall have effect notwithstanding-anything in any other provision of this Constitution' the power under Entries 22 and 61 is taken away. That is very specifically stated. The provisions are 'notwithstanding anything in any other provision'. That is stated in the previous article. The other article gives you the overall power. Here you provide for an administrative tribunal for the Union and a separate tribunal for the States. In the other place you say: "a hierarchy of tribunals." It can be interpreted to mean that with respect to the administrative tribunals, you have no power to constitute a hierarchy of tribunals. This comparison is there. Is it what is intended? If that be so, there is an absolute objection. There must be a hierarchy of tribunals, i.e. an appellate area where these people can go on appeal. With respect to foreign exchange, industrial dispute, land reform etc. the hierarchy is provided for; but with respect to this, there is no hierarchy. You are limiting it to "a" hierarchy tribunal. If it is an omission, it must be rectified, because you will be disarmed with respect to your officers. You will not have powers to give them an appellate body. Why have distinction between the two? Somebody should explain why hierarchy is mentioned somewhere and not mentioned in the other area. I find that it has got very dangerous consequences. We will feel disarmed.

Again, I agree with Mr. Shenoy with respect to the barring of jurisdiction. The only purpose that can be served by this is to give power to bar jurisdiction. Even to-day we have got the Industrial Disputes Act. They say that the order is final and that the courts' jurisdiction is barred; but the court says that Articles 132 and 226 are above this; and that, therefore, they can interfere. If we want to exclude their jurisdiction unde Articles 132 and 226, we have to mention it specifically; otherwise you cannot bar it. The courts' jurisdiction will be barred for other purposes. The overall jurisdiction is there under Articles 132 and 226—not merely under Article 136. It is absolutely a salutary principle that with respect to these matters, the courts must not meddle. This is why we want things to be explained. It is a very salutary departure, and a principle established; because after all, the Supreme Court is still left with the jurisdiction to examine the legality of any order which is passed under these orders. And the concerned people are getting wider powers because now complaints, disputes and everything are covered. For everyone of these a tribunal can be provided. So far it was not so. First, there was the depatmental enquiry; and based on the deparmental enquiry, after punishment or any such penalty, the only place to which recourse could be had was the court. To-day what is covered is: disputes, complaints, conditions of service etc. i.e. everything can be referred to a tribunal. They get a larger right. The employee of the Government must understand that by this provision, their right is not going to be abridged but that as their rights and scope of reference are going to be widened and enlarged. This is a new departure. I am sure a new branch of law, the administrative law, will develop. I would request the Law Minister to consider whether the word 'hierarchy' is not necessary when we speak of the administrative tribunals and whether the omission of that word, in contra-distinction with the other clause, will not have its own implications, viz. that government will feel disarmed in forming a hierarchy of tribunals. These are my suggestions. Nothing more.

SHRI K. NARAYANA RAO (Bobbili): We are venturing in a big way in having tribunals in the future. I do not know the shape of things to come; but to my mind, the ordinary and common man's feelings must be assuaged. Hitherto, we have experimented with a couple of tribunals. We know about Labour Tribunals. For reasons which the Government has given just now, they have decided not to have them. We are now contemplating two types of tribunals: one is with reference to service matters so fas as service matters are concerned, they are called administrative tribunals. As Mr. Stephen rightly pointed out the nature and scope of the administrative tribunals, are confined to dealing with questions relating to the administrative personnel alone. There is no provision for an appellate tribunals, as used to be there in the case of the Labour Tribunals. So far as tribunals relating to levy and other matters are concerned, they are covered by the general law provisions, apart from the hierarchy of tribunals. So an aggrieved party may be able to move an appellate tribunals. But, in the case of service matters, the only remedy for a person who is aggrieved by the decision of an administrative tribunal is to approach the Supreme Court under article 136. That is not a sure method of doing justice, because it is a highly discretionary power, given to the Supreme Court under article 136. At this stage there is no right of appeal. I feel that there should be a right of appeal. That is why I am submitting that there should be an administrative appellate tribunal to deal with service matters.

14 hrs.

Secondly, we have to inculcate confidence in the people that these are not executive tribunals. In fact, it would be better to call them judicial tribunals, because people are fond of the word "judiciary". To give you an example, under the Land Ceiling Act there is a provision for a tribunal. But actually, in reality, the Revenue Divisional Officer has been invariably appointed as the tribunal. So, in the understanding of the common man, a tribunal is more or less identical with the executive. That is the precise reason why I am suggesting that the qualifications and conditions of service of members of the tribunals should be provided for by Parliament or by the appropriate State Legislature so that people will know that these tribunals are as good as courts, and the differnece is only in name. So, I have moved an amendment to give effect to this.

Then, as the provision stands at present, we do not know whether these tribunals are going to be *ad hoc* tribunals. People should know clearly that these are not mere executive tribunals. So, some guidelines should be prescribed by the Legislature. We have to take steps to convince the people that what we are going to achieve through the tribunals is nothing different from what people used to get from the courts.

I hope the hon. Minister will consider my amendments as well as the points made by my hon. friend, Shri Shukla.

SHRI S. M. BANERJEE: I agree with some of the points mentioned by my hon. friends, Shri Shukla and Shri Stephen when they referred to the hierarchy. The provision sought to be incorporated reads:

> "(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to the disputes or complaints referred to in clause (1);" If any Government employee, Central or State, wants to go to the court, he has to go to the Supreme Court.

[Shri S. M. Banerjee]

The jurisdiction under article 226 was amended in 1963, when any employee could approach any High Court, and not the particular Court where the cause of action took place. Now he can go only to the Supreme Court. The new provision reads:

> "Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of sevice of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government."

So, this is going to affect not only the Central Government employees, State Government employees, Corporation employees but also the employees working under the public undertakings throughout the country. It means a population of nearly 66 lakhs or 70 lakhs is going to be covered under this tribunal.

We have submitted an amendment wherein we say what should be discussed or what point can possibly be taken up by these tribunals. This is too vague. When you say, "Recruitment and conditions of service" what does it include? When this question of tribunals came long before this Bill came in the Parliament, the members of the JCM were called by the Department of Personnel and certain documents were handed over to us and we discussed them. It has been mentioned in the documents that these tribunals should consist of retired administrators. They used the words "retired administrators." We were surprised to see that. We objected to that. We said that we did not agree to that tribunal although we accepted formation of such tribunals. We told them that we wanted that the composition of this tribunal should be changed. We suggested that it should include High Court or Supreme Court judges; it should include men of public eminence and also the representatives of the employees in the federations or the members of the various organisations. This was all urged to them. We thought that some sort of legislation was coming and when the Constitution was amended, our viewpoint would be considered by the Government. After that, no meeting was held: and then in the same meet, we were told that cases of dismissal, removal, compulsory retirement, premature retirement would not be discussed. Now the Government has assumed power and they can retire a person compulsorily without giving him any reason. There are 17,000 cases in the railways and 500 cases in Defence. Those employees, whether it is Class I or Class II or Class III, have been served with notices of compulsory retirement. Of course, appeals are there. After the appeals, some people have been reinstated. I have also dealt with four or five cases and out of that, two people have been reinstated After all, what should be discussed in the tribunals? This is too vague, that is "in respect of recruitment and conditions of service." Either that document which was given to us by the Department of Personnel was wrong or the Government had taken a decision after reading that document So, our amendment in such matters when the jurisdiction of Article 226 will be restricted, when Article 311 is being amended, when true opportunities are not being given to him, is as follows:

Page 13, line 42,—

for "and conditions of service" *substitute*—

"conditions of service, reversion discharge, removal, dismissal from service, premature or compulsory retirement."

The hon. Minister may say how he can possibly accept everything in the amendment. Ultimately, this is going to be the part and parcel of the Constitution.

What do the recruitment conditions of service mean? It does not mean only transfer. Even transfer cases will not be included in the ambit of the tribunal. What else will be included? Why then form a tribunal at all? If the hon. Minister can assure this House that the question of dismissal, the question of reversion, the question of compulsory retirement will be included in it, then I am prepared to withdraw my amendment. The reversion in rank is a major punishment; the compulsory retirement is a major punishment; the dismissal is a major punishment. If these major punishments cannot be included in the ambit of the tribunal, what else can be included? Even article 311 is being amended and we cannot approach the High Courts. In that case, why not make it specific as to what will be included. If this is done I am prepared to withdraw my amendment.

As regards the composition, this is another thing where we cannot possibly leave it in the hands of the retired officials. We want the High Court judges, the Supreme Court judges, may be retired judges, the eminent persons, even retired Ministers and retired MPs or even existing MPs who are working in the Parliament, the eminent politicians, the eminent economists and the men of letters to be there. We do not find anybody there who enjoys the confidence of the public. Why I am afraid of administrators is—I do not say that all administrators do not enjoy the confidence of the public; there are some good administrators who enjoy the confidence of the public—that they will be too rigid in their attitude. Once a decision has been taken by some ICS or IAS officer in the services, it becomes very difficult for any officer or any administrator to reverse that decision. Not because he does not want it but because he is a disciplined person. For him, law is law—it is the Lakshman Rekha. If you cross it or violate it, you will be served with a show-cause notice and there will be dismissal. That is why I do not want administrators to be put there. I want the High Court judges, the Supreme Court judges, may be retired judges, and the eminent persons who enjoy the confidence of the Central Government employees throughout the country to be there.

I also want that the representatives of the trade unions should also be there. Mr. A. P. Sharma till yesterday was representing a big federation. There are many persons in the House who represent big organisations. We also represent big organisations. I think, we have to forget for a moment some decisions taken by some irresponsible persons. Today, the trade union movement in the country has become responsible and responsive to the national cause. So, their representatives also should be taken in the tribunals.

Then, I have moved Amendment No 575 to add the words "including disputes concerning the agricultural labour". Supposing the agricultural labour is not given wages under the Minimum Wages Act—it may be a State law—that should also be included here. We want the same conditions to prevail in respect of the agricultural labour also. The agricultral labour is also suffering. I think, they should also come within the ambit of the administrative tribunal—so that justice is not denied to them.

[Shri S. M. Banerjee]

With these words, I would request the hon. Minister to clarify two points. Firstly, what are the specific matters in regard to services included in the tribunals and what will be their composition. All these things should be spelt out. If you read sub-clause (2), it reads:

> "A law made under clause (1) may—
>
> (a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;"

It will differ from State to State. But what will be the basis of the composition? I don't want him to name the persons, but I would like him to give us an idea at least as to who should be there—whether another Bill is to be brought for the purpose—, what other cases will be covered by the Tribunal and what will be the composition of the Tribunal; and, last but not least, he should also cover agricultural labour.

SHRI K. MAYATHEVAR: Mr. Deputy Speaker, Sir, by this amendment we are seeking to set up Tribunals both at the State level and at the Central level and these two types of Tribunals are to take up disputes, complaints and so many other cases arising out of the recruitment, conditions of service etc. of the civil servants. These Central and State Tribunals will, therefore, no doubt try and decide so many cases which may be judicial in nature, some quasi-criminal and some even writ cases, directly or indirectly. But these writs cannot be filed directly to the High Court or Supreme Court, but to the Judges sitting on the Administrative Tribunals. Therefore, directly or indirectly, writ cases also may be tried by these Tribunals. That being so, my submission as a lawyer would be about the persons who are to preside over these Tribunals because so many rights of the people are concerned—not only cases civil in nature but quasi-criminal cases being tried by these Tribunals. My submission would be that whatever may be the competence and power and authority of the Administrative Officers in the administrative side, they are not competent, so far as my opinion goes, to preside over these kinds of Tribunals which are going to decide very crucial points relating to the rights of civil servants and so many others.

Take, for instance, income-tax cases. The Income-tax Tribunals to be set up for trying income-tax cases are to be presided over by one Judge. Likewise, sales-tax cases are to be tried by three Judges, two from the Department and one from the Judiciary. These Tribunals which are going to try very important and vital, serious and grave cases should be necessarily presided over—in the interests of justice and to avoid mis-carriage of justice— by a person of a rank not less than that of a High Court Judge in the case of the State Tribunals and not less than that of a Supreme Court Judge in the case of the Central Tribunals. The other members can be administrative officers with the required competence and experience.

Another submission of mine is that I am told that retired officers may be appointed to the Tribunals. I submit that this kind of appointment will lead to much more corruption than there is now because retired officials —whether it is an administrative officer retired from civil service or a Judge retired from the judiciary— will not care for any honesty in administration. Therefore, I would plead that retired people should not be admitted into these Tribunals.

I want to make this final point as a lawyer. I am told that lawyers from any court are not going to be allowed to appear in these cases before the Tribunals. That should not be so because article 19(g) guarantees the right to practise any profession or to carry on any occupation, trade or business. We have already got so many unemployed lawyers in all

courts, not only Supreme Court but also High Courts, and we should not add to this unemployment problem of lawyers. I, therefore, suggest that lawyers should also be allowed to appear in these cases before the Tribunals.

SHRI B. V. NAIK (Kanara): Mr. Deputy-Speaker, Sir, I have proposed a small amendment to insert 'the tenure, permanancy and creation of posts' after the words 'respect to', that is, to read as:

> "323A.(1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to the tenure, permanncy and creation of posts, recruitment and conditions of service of persons .. "etc.

The first problem that strikes one is what will happen to our Public Service Commissions. The Public Service Commissions, under article 320, are cast with some responsibility in this sphere. A suggestion has been made by our friend, Mr. Shivnath Singh, that we should be able to give to these Tribunals which we will be constituting even powers of recruitment and everything in regard to these. It is very difficult to disagree with him If you are creating a Constitutional body and this Constitutional body is considered to be good enough to do almost everything which the Supreme Court or the High Courts were doing, and also something more, I think, there is no reason why almost the entire responsibility of keeping our services, the Government servants, including the servants of the public sector enterprises, in shape and keeping them committed for the greater good of the nation, should not be given to them. The debate has been going on, not only today but also on the other days about this; very indicating remarks have been made by our friend, Mr. B. R. Shukla that you are victimising the judicial services in this country. It was a very pertinent remark. Why is it that you have found fault with the judiciary which you yourself have created? I could pay justified compliments to our hon. Minister as a very good judge, a better lawyer and a still better politician, which he deserves as a person, but we are not today dealing with the personality of Shri H. R. Gokhale; we are today dealing with the hon. Minister to the Government of India dealing with the Ministry of Law. I have tried to go through the entire thing as quickly as I could.

In addition to the Indian Administrative Service, which was considered as the pick of all the civil servants, and successor to the Indian Civil Service, the Indian Police Service, which had to be more committed because they hazard their lives for the maintenance of law and order, the all-India Judicial Service is being created now on an absolutely equal basis. Hereinafter, any District Magistrate cannot say to the District Judge that he as a milligram of more weight as far as his merit is concerned. This is fair enough and the Indian judges needed it.

But, Sir, this is in the face of promises held up to the technicians in this country for the last two decades, the engineers, the doctors, the technologists and the builders of the nation. This process was initiated by our great leader, Pandit Jawaharlal Nehru. These are the people, who are the builders of our country; they build roads, hospitals, factories, they make two loaves of bread in place of one. At the time, when we are going ahead with the recommendations of the Swaran Singh Committee the major casualty has been the engineers and the doctors, as also the other technicians, productive element in our society, the scientists, the experts and others. They have not found favour in this amendment. Still, my friend, Shri B. R. Shukla found that the judiciary in this country was being discriminated; that there was

[Shri B. V. Naik]

injustice against the hon. Justices adorning our various courts. I have no brief for one group as against the other: after all, the people who put us here are quite different.

We have been jolted by Sardar Swaran Singh in regard to the tribunals and the members who are going to constitute our tribunals. I am quoting from his able address on the 21st August, 1976 in the Kengal Hanumanthaiya Endowment Lecture at Bangalore. He said:

> "It is the Committee's hope that the Tribunals will be manned by persons of highest integrity, independence and requisite calibre and that Parliament when it makes the law in this respect will make adequate provision therefor"

These future hon. Members of the all-India Tribunals, who except for one simple saving clause in which there is an appeal to the Supreme Court, shall for all other purposes, be equivalent in responsibility cast on them, except one Article 336, which the hon. Minister know whereunder an appeal can lie against the order of the supreme Tribunal of India, and still the conditions of the members constituting this high tribunal of this country are not going to be protected under the Constitution. As rightly told by Shri Banerjee, it might be, as usual, that these tribunals will consist of retired civilians, retired administrative officers and retired judges. Is it that we are going to make a departure? Is it that the cultural milieu and the cultural environments in this country are ready to accept this departure, that we think that certain task can be performed by only certain people? Otherwise, why is it that for any action against the judge of a High Court or the Supreme Court, there is a special provision and the convening of this august House and an order given by the majority of Members of this House, and two-thirds majority of those present and voting, and only then he can be removed? We need the same political support as it needed for a constitutional amendment. But the Members who constitute this high tribunal are just the appointees of the Government by the order, and in the name of the President of India. Under the circumstances, I think, without looking deep into what we expect—out of these Tribunals which are expected to substitute, if we do not constitute these Tribunals with full powers and full position and give them the same protection as equivalent to that given to a Judge of a High Court, they will not be of much help. The other day there was a furore when it came to the conditions of recruitment of a High Court Judge. We know that they are able, worthy and eminent people but I am really surprised by the strength of the lawyers' power in this country which is displayed here, that they do not think even a Member with all the eminence like Mr. Banerjee is fit enough to go into the high ranks of the Judiciary. I would, therefore, say and I have only no submission to make. Now we have constituted some Tribunals....

MR. DEPUTY-SPEAKER: When?

SHRI B. V. NAIK: ... in the State of Karnataka under the State law as assented to by the President. So it has got relevance. All these Tribunals have been constituted with full powers. I would suggest that the Tribunals at least in respect of land reforms, many of them, wherever they have been manned properly, have done good job. But I request the hon. Minister in the same breath to examine the composition of some of the Tribunals that have been set up in some States like Karnataka and offer them some advice regarding recruiting them....

MR. DEPUTY-SPEAKER: Kindly conclude now.

SHRI B. V. NAIK: I have some more points to make but in due deference to your wishes, I conclude now.

श्री राजचन्द्र खिलेरी (बाकपत) : उपाध्यक्ष महोदय, मैं प्रभारी मंत्री जी का इस बात के लिए स्वागत करता हूं कि उन्होंने ट्रिब्यूनल की स्थापना करके न्याय जल्दी दिलाने की व्यवस्था की है। परंतु मुझे क्षमा करें कि मैं जब गहराई में जाता हूं तो मुझे मालूम होता है कि प्रत्येक राज्य में या दो राज्यों में एक ट्रिब्यूनल की स्थापना होगी। ऐसी हालत में मैंने यह संशोधन पेश किया कि वे राज्य उत्तर प्रदेश, तमिलनाडु, गुजरात, मध्य प्रदेश, महाराष्ट्र, राजस्थान, बिहार आदि जो क्षेत्र एवं जनसंख्या की दृष्टि से बहुत बड़े हैं और जिनकी जनसंख्या करीब दस करोड़ से लेकर चार करोड़ तक है, वहां किस प्रकार केवल एक ही ट्रिब्यूनल सारे मामलों का निर्णय शीघ्र कर सकेगा ? जब कि आप यह चाहते हैं, और देश की जनता भी यह चाहती है कि न्याय सस्ता, सुगम और शीघ्र हो। परन्तु इस खण्ड से यह मालूम होता है कि केवल एक राज्य मे एक ही ट्रिब्यूनल (अधिकरण) की स्थापना होगी। इसलिए मैंने संशोधन दिया है कि एक राज्य में क्षेत्र के आधार पर अधिकरण (ट्रिब्यूनल) की स्थापना होनी चाहिये ताकि जनता को शीघ्र न्याय मिल सके। इसके लिए मैंने संशोधन 619, 620 और 621 दिये हैं। मुझे आशा है कि विधि मंत्री इस पर विचार करेंगे। यदि आज हरियाणा, पंजाब, हिमाचल प्रदेश, मेघालय आदि जनसंख्या एवं क्षेत्र की दृष्टि से काफी छोटे हैं और वहां भी एक-एक ट्रिब्यूनल की स्थापना होगी और बड़े राज्यों में भी एक-एक ही अधिकरण की तो यह हास्यास्पद होगा। इसलिए मेरा संशोधन स्पष्ट है और मैं आशा करता हूं कि इस संशोधन पर सहानुभूतिपूर्वक और गहराई से विचार करेंगे और स्वीकार करेंगे।

उपाध्यक्ष महोदय, यह बहुत ही संक्षिप्त संशोधन है। अगर हम जनसंख्या और क्षेत्र के आधार पर ट्रिब्यूनल बनायेंगे तो जनता की कठिनाइयां जल्दी सुनी जा सकती हैं। उत्तर प्रदेश इतना बड़ा राज्य है जिसमें से हरियाणा के दस राज्य बन सकते हैं। उसमें भी एक ही ट्रिब्यूनल हो और हरियाणा में भी एक, तो इससे जनता की कठिनाई दूर नहीं होगी। साथ ही मैं यह भी कहना चाहता हूं कि ट्रिब्यूनल्ज में जो व्यक्ति रखे जाएं व ऐसे होने चाहियें जो जनता की समस्याओं से वाकिफ हों, जो जन प्रतिनिधि हों, जन सेवक हों। बड़े बड़े रिटायर्ड अफसरों या जजों को रख देना ही काफी नहीं होगा। जनता के प्रतिनिधि अधिक से अधिक रखे जाएं, ऐसे लोग अधिक रखे जाएं जो जनता की कठिनाई को समझते हों। यही मेरे संशोधन का मंशा है और अगर आपने मेरे संशोधन को मान लिया तो जो मंशा है वह पूरा हो जाएगा।

श्री शिव नाथ सिंह (झुंझुनू) : ट्रिब्यूनल की स्थापना के सम्बन्ध में जो क्लाज रखी गई है उस पर विचार हो रहा है। यह प्रावधान किया गया है कि ट्रिब्यूनल्ज जो बनेंगे उन में इन बातों पर विचार होगा :

Production, procurement, supply and distribution of food-stuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this Article and control of prices of such goods.

मेरा संशोधन है कि फूडस्टफ्ज को तो आप ने रख दिया है लेकिन उसके अलावा दूसरे एसेंशियल गुड्ज भी हैं जो आज हमारी जिन्दगी के लिए आवश्यक है, और उन को भी इस में शामिल किया

[श्री शिवनाथ सिंह]

जाना चाहिये । आपने यहां प्रोडक्शन, डिस्ट्रीब्यूशन, एक्सचेंज आदि तो रख दिया है और साथ साथ कीमतें उनकी तय करने की बात भी रख दी है और यह निश्चित इससे हो गया है कि ट्रिब्यूनल इनके दाम आदि तय करेंगे लेकिन इस चीज को आपने फूडस्टफ्स तक ही सीमित कर दिया हैं किसान जो अपने खेत में पैदा करता है उस तक ही सीमित कर दिया है, यह तय कर दिया है कि निर्धारित कीमत पर उसको अपना प्रोड्यूस बेचना पड़ेगा, कंज्यूमर को देना पडेगा, फिर चाहे उसका इनवैस्टमेंट कितना भी क्यों न हो । यह प्राइस तय करने का तरीका ट्रिब्यूनलज में तय होगा और इसको तय करने का पूरा अधिकार इनको होगा। ट्रिब्यूनलज के फंक्शनिंग को भी आपने निर्धारित किया है । लिमिटेशन और एवीडेंस ये दो ला ऐसे हैं जो बेसिक हैं और इन बेसिक लाज को भी आपने बल दिया है । अब रूल आफ लिमिटेशन क्या होगा और एवीडेंस का प्रोसीजर क्या होगा इसके बारे मे ट्रिब्यूनलज पर कोई पाबन्दी नही है । अब तो यह होगा कि ट्रिब्यूनलज के सामने मामला गया और वह सरसरी तौर से कह सकता है है अस्सी रुपये वाजिब कीमत है या ढ़ाई सौ रुपये वाजिब है किसी दूसरी चीज की। उनके लिए कोई एवीडेंस लेना जरूरी नहीं होगा । फूडस्टफ्स जो किसान की पैदावार है, जिस को किसान पैदा करता है उनकी कीमत तो इस तरह से आपने तय करवा दी लेकिन उसके साथ साथ किसान की आवश्यकता की जो चीजें हैं, उनकी क्या कीमत होगी, व एंसेंशियल्ज उनको किस हिसाब से मिलेंगी, फर्टिलाइजर, स्टील, सिमेंट कुएं के लिए, किस रेट से मिलेगा, बच्चों का इलाज करने के लिए दवाइयां किस कीमत पर मिलेंगी इन सब चीजों को आपने अलग रख दिया है । इन की कीमतें तय करने का अधिकार इन ट्रिब्यूनल्ज को नहीं होगा । मैं कहना चाहता हूं कि जितनी भी एसेंशियल गुड्ज है और जिन को सरकार ने एसेंशियल गुड्ज मान लिया है उन सब के प्रीक्योरमेंट, प्रोडक्शन, सप्लाई, प्राइस फिक्स करने का अधिकार ट्रिब्यूनल्ज के पास होना चाहिए ।

आज देश में बहुत सी मिलें जो कपड़ा बनाती हैं उनको सरकार ने सस्ता कपडा बनाने के लिए कहा । मिलों ने सरकार का आदेश नही माना। जब सरकार ने सख्ती करनी चाही तो वे हाई कोर्ट और सुप्रीम कोर्ट में मे चली गई । यहां आप ने मिलों को छूट दी है कि हाई कोर्ट और सुप्रीम कोर्ट मे वे जा सकती है और वहां अपने फैसले करवा सकती हैं, ट्रिब्यूनल्ज के जुरिसडिक्शन को तब बार कर दिया गया है । उनके मामले दस दस और बीस बीस साल तक हाई कोर्ट और सुप्रीम कोर्ट मे पड़े रहेंगे, रिट्स इन्यू हो जाएंगी क्योंकि इस मामले मे हमने रिट्स बार नही की हैं । इस तरफ से एक तरफ तो हम प्रोड्यूसर्ज को तंग करना चाहते हैं—काश्तकार जो तबका है, उसके द्वारा पैदा की गई वस्तु की कीमत फिक्स करना चाहते हैं जिस पर मुझे कोई एतराज नही है, मैं चाहता हूं कि यह जो कंज्यूमेबल आर्टिकल है यह सही कीमत पर लोगो को मिले लेकिन साथ साथ भी यह भी चाहता हूं कि जो इंडस्ट्रियल गुड्ज हैं उनको भी तो आप इस क्लाज में लाएं । इसीलिए मैंने संशोधन दिया है

For "food stuffs (including edible oilseeds and oils) Substitute "Essential goods (including edible oil seeds, oils and industrial goods)"

इंडस्ट्रियल गुड्ज को आपने इसके परम्यु के बाहर रख दिया है । इससे दिक्कत हो जाएगी । जो इंडस्ट्रियलिस्ट हैं वे मनमाने तरीके से कीमतें फ़िक्स करते हैं । सरकार का आदेश नहीं मानते हैं । आज भी आप देखें कि जो कीमत कपड़े के थान पर लिखी होती है उससे पच्चीस परसेंट कम पर आपको वह कपड़ा मार्किट में मिल जाता है । यह कैसे हो जाता है ? क्या सेंस रह जाती है कीमतें छापने की ? मेरा निवेदन है कि जितनी एसेंसियल गुड्ज हैं उन सब की कीमतें तय करने और उनके प्रोडक्शन, डिस्ट्रिब्यूशन, प्राक्योरमेंट वगैरह का अधिकार ट्रिब्यूनल्ज के पास होना चाहिये ।

मैं ने खास तौर से देखा है कि लिमिटेशन और ऐवीडेंस के दोनों प्रिन्सिपल्स ट्रायब्यूनल्स पर लागू नहीं किये हैं, जो कि ठीक नहीं है । अदालतों में डिले होती है, लेकिन डिले होने की वजह से हम बेसिक लाज को चेंज कर दें, यह ठीक नहीं है । आप अधिक ट्रिब्यूनल्स बना दीजिये, हाई कोर्ट और सुप्रीम कोर्ट में सालों से मामले पड़े रहते हैं क्योंकि वहां जजेज की जगहें खाली पड़ी हुई हैं इसलिए वहां भी रूल्ज को खत्म कर देते—वहीं फ़ैसला हो जायगा । डिले की वजह से जो हमारे बेसिक रूल्ज हैं उन को हम चेंज न करें । ऐवीडेंस और लिमिटेशन के सिद्धान्तों को इन ट्रिब्यूनल्स पर लागू कीजिए, नहीं तो अन्याय होगा ।

इन ट्रिब्यूनल्स का जो फ़ैसला होगा उस को सुप्रीम कोर्ट के अलावा और कहीं चैलेंज नहीं कर सकते हैं । किसान के माल की क्या कीमत तय होती है, उस को अपने खाने के लिये, बच्चों को पालने के लिये अनाज की आवश्यकता है या नहीं उस के प्रोड्यूस में से कितना आप को प्राक्योर करना है, इस बारे में जो भी डिसप्यूट होगा उसे कौन तय करेगा ? इसका फ़ैसला ट्रिब्यूनल करेगा और ट्रिब्यूनल के बाद उस बेचारे गरीब किसान को अपील में केवल सुप्रीम कोर्ट में आना पड़ेगा, और कहीं नहीं वह जा सकता । मेरी राय में यह ठीक नहीं है । कम से कम हाई कोर्टस में इस का अपीलेट जूरिस्डिक्शन होना चाहिये । हाई कोर्टस के जूरिस्डिक्शन को आप को बार नहीं करना चाहिये ।

इन शब्दों के साथ में अपना संशोधन पेश करता हूं ।

श्री मूलचन्द डागा : (दौसा) श्रीमन् पहले तो मैं 1 जनवरी, 1973 को जो आप ने लिखा है उस को पढ़ कर सुनाता हूं :

This was written on 1st January, 1973.

"It (public confidence) demonstrated itself time and again, in large cities as well as the remote villages, that under the Constitution, even the most humble citizen, when wronged either by powerful officials or by the most strongly entrenched government, had a sure and speedy remedy for the protection of his rights. In other words, the exercise by the High Courts of their power under the writ jurisdiction demonstrated time and again to the conviction of the common man that he was under a government of laws and not of men It is possible that there have been occasional excesses and that experience has demonstrated the need for certain adjustments here and there."

दो साल के बाद आज एक गढवाल की पंचायत का चपरासी सस्पेंड कर दिया जाता है तो वह सुप्रीम कोर्ट में आवेगा अगर उस को अपील करने की इजाजत हो गई तो । आज

[श्री मलयचन्द डागा]

राजस्थान के एक कोने में रहने वाला किसी लोकल अथोरिटी के नीचे काम करने वाला आदमी अगर अपनी अपील ले कर के सुप्रीम कोर्ट में आयेगा तो यह कसे सम्भव है ? एक तरफ तो आप कहते हैं कि न्याय सस्ता होना चाहिये, देरी नही होनी चाहिये । एक इस में आप ने आर्टिकिल 226 हटा दिया । सिविल प्रोसीजर कोड को हटा दिया । सिविल प्रोसीजर कोड के अन्दर एक आदमी पहले अपील कर सकता है । अब उसे अपील से डिबार कर दिया और आप ने कह दिया कि तुम्हें ट्राइब्यूनल में जाना होगा और वहां उस के भाग्य का फ़ैसला अगर नही होता है तो सीधे सुप्रीम कोर्ट में जाना होगा । और वह भी उस हालत मे जब सुप्रीम को उसे स्पेशल परमीशन ग्रान्ट करे । यह कसा न्याय हो गया हैं ? और एक नई बात कर दी कि सिविल प्रोसीजर कोड को अभी अमेंड किया वह लागू नही होगा । एवीडेंस एक्ट लागू करना होगा और आप अपना एक प्रोसीजर अलग ले-डाउन करेंगे । कितने ट्रिब्यूनल बनेंगे और यह किस प्रकार पासिबल होगा । सबसे बड़ी बात यह है कि मिजोरम में या आसाम में ट्रिब्यूनल बनता हैं तो उस पर कंट्रोल और जूरिस्डिक्शन किस का होगा? सुप्रीम कोर्ट तो दिल्ली मे है, और ट्रिब्यूनल अगर त्रिवेन्द्रम में तो कैसे सुपरविजन होगा ? स्टेट में एक हाईकोर्ट सारे डिस्ट्रिक्ट का सुपरविजन नही कर सकता और देश मे इतने सारे ट्रिब्यूनल होंगे उनका सुपरविजन कौन करेगा । आपने सब्जेक्टस गिनवा दिये हैं, वह ट्रिब्यूनल तय करेगा । 14वां जो पार्ट जोड़ा गया है उसमें सारी ताकत उनको देने से—

"Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or any other authority within the territory of India or under the control of the Government of India or any Corporation owned or controlled by the Government".

हिन्दुस्तान में जितनी सेवाएँ हैं, चाहे पंचायत में हों, नगरपालिका में हो, या को-आपरेटिव सैक्टर में हो, सारी सेवाओं की अपील या दरख्वास्त पहले ट्रिब्यूनल में करेगा और उसके बाद सीधा सुप्रीम-कोर्ट आयेगा । इस तरह से कैसे न्याय होगा । अभी आपने गाइडलाइन दी है, कानून तो अभी बनेगा ।

जिन स्टेट्स में ट्रिब्यूनल होंगी, उन पर स्टेट का कोई कंट्रोल नही होगा । जैसे राजस्थान, महाराष्ट्र में ट्रिब्यूनल हैं तो उनका कंट्रोल बम्बई या महाराष्ट्र में नही रहेगा । मैं जानना चाहता हूं कि क्या सुप्रीम कोर्ट उनका सुपरवीजन कर सकेगा ? दूसरी जगहों पर जसे त्रिवेन्द्रम, मिजोरम, आसाम, तोहाटी में जो ट्रिब्यूनल बनेंगे, उनका सुपरविजन कैसे होगा, जज कैसे एपाइन्टमेंट होंगे, कैसे प्रोसीजर होगा । एक तरफ़ तो आप कहते हैं कि न्याय मिलेगा लेकिन हिन्दुस्तान मे आज कोर्ट फ़ीस मंहगी हो गई है और इतनी मंहगी हो गई है कि सस्ता न्याय नही पाया जा सकता, फ़िर इन ट्रिब्यूनल का खर्च कौन और कैसे बर्दाश्त करेगा । ट्रिब्यूनल में कितने गवर्नमेंट एडवोकेट चाहिय, कितने एसिस्टेंट एडवोकेट चाहियें, वह कैसे खड़े किये जायेंगे । आप इतनी बड़ी नई पद्धति बनाना चाहते हैं, तो इसका खर्च कैसे बर्दाश्त किया जा सकेगा ।

किसी भी कोर्ट का कंट्रोल उन पर नहीं होगा, मैं जानना चाहता हूं कि सिविल प्रोसीजर कोड लागू हों या नहीं ? मैंने इसके लिये तीन अमेंडमैंट्स दिये हैं :—

(1) "which shall be under the direct control and supervision

of the high court in whose jurisdiction the tribunals have been established".

(2) "and of the high courts under Article 226 should be inserted",

(3) "as laid down in the Code of Civil Procedure".

हाई कोर्ट को पावर होनी चाहिये कि वह उस बात की अपील सुन सके या दरख्वास्त ले सके। सिविल प्रोसीजर कोड में वह ले-डाउन किया जाना चाहिये। अभी तो यह ट्रिब्यूनल का नक्शा ही नक्शा है, यह नक्शा कब पूरा होगा ? अभी तो यह योजना है, इस पर कानून बनेगा। मंत्री महोदय बतायें कि यह कानून कब तक बनेगा। यह तो एकेडैमिक डिस्कशन हो रहा है। यह जो कदम उठा रहे हैं, यह सफ़लीभूत नही होगा और हमको इसे वापस हाईकोर्ट के ही हाथ मे देना होगा।

श्री राजावतार शास्त्री (पटना) : उपाध्यक्ष महोदय, विधेयक की धारा 46 के द्वारा प्रशासनिक अधिकरणों की स्थापना के लिए नया अनुच्छेद 323क और अन्य विषयों के लिये अधिकरणों की स्थापना के लिए अनुच्छेद 323 ख संविधान में जोड़े जा रहे हैं। अनुच्छेद 323क के सम्बन्ध में हमारे दल की ओर से दो संशोधन, 479 480, पेश किये गये हैं।

संशोधन 479 के द्वारा हम "सेवा की शर्तों" के बाद "पदावनति, पद-मुक्ति, पद-च्युति, सेवा की बर्खास्तगी, समय-पूर्व अथवा अनिवार्य सेवानिवृत्ति" जोड़ना चाहते हैं। हमारी मांग यह है कि अगर भारत सरकार, जिसमें रेलवेज भी शामिल है, या राज्य सरकार के किसी कर्मचारी को नौकरी से बर्खास्त कर दिया जाए या उसके खिलाफ़ कोई दूसरी कार्यवाही की जाये, तो उसको ट्रिब्यनल के सामने जाने का अधिकार जरूर मिलना चाहिये। 1974 की रेल हड़ताल के बाद आज भी 735 रेल कर्मचारी नौकरी से निकाले हुये हैं, जिनमें से 180 की अपीलों को रद्द कर दिया गया है। यह 31 अगस्त तक की स्थिति है। लोक सभा की याचिका समिति ने सरकार से इन मामलों पर फ़िर से विचार करने का अनुरोध किया था। पहले 145 व्यक्तियों को डिसमिस किया गया था। सरकार द्वारा फिर विचार करने पर 14 व्यक्तियों को सेवा में ले लिया गया। लेकिन स्थिति यह है कि डिसमिस होने वालों की संख्या 155 से बढ कर 180 हो गई। प्रश्न यह है कि सरकार उन लोगों को ट्रिब्यनल के सामने जाने से क्यों रोकना चाहती है। रेलवे प्रशासन ट्रेड यूनियन में काम करने वाले और मजदूरों के हक के लिये लड़ने वाले व्यक्तियों को कतई नही चाहता है। उन लोगो को कही तो रेमेडी प्राप्त करने का अवसर मिलना चाहिये। मैंने देखा है कि रेलवे कर्मचारियों को बड़े पैमाने पर नौकरी से निकाला जा रहा है। इस संशोधन के द्वारा हम चाहते हैं कि इन मामलों को भी ट्रिब्यूनल में भेजा जा सके।

जहां तक ट्रिब्यूनल मे रखे जाने वाले लोगों का सम्बन्ध है, हम उसमें सेवा-निवृत्त प्रशासकों को नही रखना चाहते हैं, चूंकि वे लोग सरकार की कृपा से ट्रिब्यूनल में नियुक्त होंगे, इसलिये वे सरकार के विरुद्ध कोई फ़ैसला नहीं देंगे और कर्मचारियों को न्याय नहीं दिला सकेंगे। यह ठीक है कि वे सब लोग ऐसे नहीं होंगे, लेकिन सरकार ज्यादातर अपनी हां में हां मिलाने वाले लोगों को ही चुनेगी। उन लोगों से न्याय की उम्मीद नही की जा सकती है।

हमने अपने संशोधन 480 में बताया है कि कैसे लोगों को ट्रिब्यूनल में रखा जाये। उसमें ट्रेड यूनियन के प्रतिनिधियो को रखना नितान्त आवश्यक है। ऐसे श्रम कानूनों को जानने वाले लोग विरोधी दलों में भी हैं और कांग्रेस में भी हैं। ऐसे लोगों को ट्रिब्यूनल में नियुक्त क्यों न किया जाये ?

श्री रघावतार बाजपेयी :

अनुच्छेद 323ब के सम्बन्ध में हमारा संशोधन 575 है ।

इस अनुच्छेद के जरिए आपने अन्य विषयों के लिये अधिकरण गठित करने की बात कही है और राज्य सरकारें उस तरह के अधिकरण का गठन कर सकती हैं कानून बना कर जिस तरह भारत सरकार कानून बना कर प्रशासनिक अधिकरण गठन कर सकती है । जिन विषयों पर वह कानून बना कर अधिकरण गठित करेंगी उनमें (ग) की तरफ में आपका ध्यान दिलाना चाहूंगा—औद्योगिक और श्रमिक विवाद के मामले भी उस अधिकरण के सामने पेश होंगे । हम लोग चाहते हैं कि उसमें यह जोड़िये कि कृषि श्रमिक सम्बन्धी विवाद भी उसमें शामिल हैं । इनको हम जरूर शामिल करना चाहते हैं क्योंकि 20-सूत्री कार्यक्रम में हरिजन, आदिवासी गरीब भूमिहीन मजदूर और कमजोर वर्गों की बात कही गई है, बुनकरों का सवाल भी उसमें आता है । उनके सामने भी समस्यायें हैं । आज हमारे समाज में निम्नतम मजदूरी कानून राज्य सरकारों ने बना रखे हैं । उसी तरह से बंधुआ मजदूरी प्रथा को समाप्त करने के लिए हमने इसी सदन में कानून बना रखा है । सूदखोरी को समाप्त करने के लिये कानून बना रखा है । लेकिन हरिजनों आदिवासियों और भूमिहीन मजदूरों पर जुल्म होते हैं, अत्याचार होते हैं । बासगीत (होमस्टीड) जमीन का सवाल है । इन तमाम सवालों को लेकर पूरे हिन्दुस्तान में हंगामा मचा हुआ है । देहातों में जाएं तो मजदूर हड़ताल कर रहे हैं और किसान उनको निम्नतम मजदूरी देने को तैयार नहीं हैं । कहने के लिए बंधुआ मजदूरी प्रथा और सूदखोरी समाप्त हो गई लेकिन हमारे सूबे बिहार में पलामू जिला है जहां सूदखोरों का पुराना गढ़ है । नारायण साहू सबसे बड़ा सूदखोर है । उसने तीस गांवों पर अपना कब्जा जमा रखा है । एक मन चावल के बदले 30 मन चावल वसूल कर लिया फिर भी उसको सन्तोष नहीं है । ऐसे लोगों को कैसे ठीक किया जाएगा । जो आज भी ऐसे लोगों की गुलामी में फंसे हैं उनको कैसे मुक्त किया जाएगा ? ये सब सवाल सामने हैं । इनको अधिकरण के सामने नहीं जाने दिया जाएगा तो इनका हल कैसे निकलेगा ? जो पालमू जिले का जिक्र मैंने किया वहां बड़े अफसोस की बात यह है कि आपके दल के दो नेता एक पुरुष और एक महिला नेता हैं जो उस सूदखोर की मदद कर रहे हैं । अगर वह नारायण साहू मिसा में गिरफ्तार किया जाता है तो महिला नेता और पुरुष नेता दोनों मिल कर इस तरह के बड़े सूदखोर की मदद करते हैं और दुर्भाग्य से महिला वहां की विधान परिषद् की उपाध्यक्ष हैं । इतने जवाबदेह पद पर वह हैं । तो खेत मजदूरों का सवाल इस अधिकरण के सामने पेश करने की इजाजत होनी चाहिये । इसीलिये हमने संशोधन नं० 575 के जरिए मांग की है कि श्रमिकों के अन्दर देहात के खेत मजदूरों को भी शामिल करने की व्यवस्था संविधान में की जाय ।

यही हमारे तीनों संशोधन हैं ।

15.00 hrs.

SHRI H. R. GOKHALE: There has been a very interesting discussion and naturally on a subject like this where we are making a departure from the existing system, I can understand the anxiety expressed by the hon. Members. But I must say that there are a good many misapprehensions which I shall try to remove. In the first instance, it is necessary to remember that under the provisions which we are considering now, the proposed article 323A, Parliament is given the power; it only enables Parliament to make the law. This is not a complete, self-contained code with regard to the constitution of the tribunals or with regard to the subjects which will be entrusted to the tribunals for adjudication of complaints and grievances. Therefore,

very soon after the Constitution is amended, we will have to bring before this House a law, not only one law but two or three laws dealing with the different tribunals which are proposed to be constituted under the amending provisions. Sir, I will first deal with the objections raised or suggestions made by my hon. friend Mr. Stephen. He himself mentioned that for some reasons such as the exclusion of the powers of the judiciary in respect of matters which will be referred to the tribunals, it was necessary for having provisions in the Constitution. But his grievances was that all the other provisions which are made in respect of the tribunals need not have been made in the Constitution because there is enough provision in the existing Constitution. He referred to some entries in which tribunals can be constituted. Now, I am aware of those entries and in respect of some of these entries, some of these matters, tribunals can be constituted by ordinary law without making an amendment in the Constitution. But the question is that we are now creating a tribunal to which we are giving exclusive judisdiction. so exclusive that the jurisdiction of the High Courts is being excluded and only the jurisdiction of the Supreme Court to hear special appeals, special leave appeals under Article 136 is retained. Now, when a power is given to legislative body, giving such exclusive powers to a tribunal giving power for two legislations to exclude the jurisdiction of the Courts, it is extremely dangerous to leave everything vague in the Constitution with the result the law can go much beyond the intentions of the Parliament sitting in the Statute Body. Therefore, it is necessary that in a Constitution Body, parliament should indicate that not only the tribunal should be constituted but that the tribunals should function within the specified limits and for the specified purpose. Therefore no doubt the tribunals have been constituted and he agrees that for excluding powers of the High Courts, amendments were necessary but according to him the other provisions which are made were not necessary in the Constitution, which, I think is not correct because it is a kind of restriction on the power of the legislation of the Parliament to see that even that legislation does not transgress the limits which are laid down in the Constitutional amendments.

Now, one other thing which has been mentioned is that here for example in one part, that is 323A, there is a reference to only tribunal meaning thereby that there would be one tribunal and in the other part, that is 323B, there is a reference to hierarchy of tribunals. Now it is not a drafting error and it is deliberate and the reason is this that when we are talking of the tribunals in respect of the grievances and complaints of employees of the States or the Union, there are rules framed under the existing provisions of the Constitution governing the conditions of service of these employees. These rules are provided for various forums for hearing the complaints and grievances of the employees, with regard to the service conditions and other matters and it was thought that when all these remedies are there, there should be one tribunal which will sit for hearing appeals or for hearing original complaints in respect of these matters and adjudicate or otherwise in the various other forums. In fact, there is a hierarchy; they are provided under the various rules and that hierarchy is enough, you go to one tribunal which is the highest tribunal which will be adjudicated on all matters. The Supreme Court is of course subject to the provisions under Article 136. With regard to other matters, a hierarchy had to be referred to. For example, take industrial disputes to which a reference was made. For industrial disputes, there are already tribunals. Therefore, you have to have a hierarchy, a tribunal, you may call it Labour Appellete Tribunal, at one time it was called by some other name. But another tribunal to sit in appeal over matters decided on the various tribu-

[Shri H. R. Gokhale]

nals becomes necessary in industrial disputes. Therefore, the thing is that the purpose of putting hierarchy here was quite different and not put in here was deliberate. It is not a drafting error or mistake.

We have referred to many matters among the functions of the tribunal. One is to punish for contempt. It cannot be given by a statute unless the Constitution authorises it. You know under the Constitution, subject to the supreme power of the Supreme Court in respect of contempt, power to punish for contempt is being exercised by courts, which is the normal hierarchy of courts and not tribunals. So, a specific provision to enable complaints of contempt of tribunals being tried is necessary. That can be done only by a provision in the Constitution itself. I do not want to go into each of these matters. All I want to say is, to the extent it was possible to avoid a very elaborate enumeration of all these things, it has been done. But while we give power to Parliament to do things by legislation, even that power should not be so unrestricted that the very purpose for which you are setting up these tribunals is not transgressed. When the law is made, it will be subject to the restrictions laid down here and the tribunal will not be anything more or less than what is contemplated under article 323A and 323B

Some apprehension was expressed about the reference here to conditions of service and recruitment. One hon. member referred to public service commissions. I do know how the public service commission comes here at all. It is not the intention that the tribunals will be recruiting agencies. Recruitment will be done in the same manner as before, by the UPSC or the State public service commision as the case may be. Where the recruitment can be made now without going to the UPSC it will continue to be made as at present. What is being made a function of the tribunal is to go into any complaint or any grievance or any dispute relating to recruitment. Recruitment itself is not the function of any of these tribunals.

'Conditions of service' is a very wide term. Rules are framed for government servants laying down when a person can be retired, when he can be retired prematurely, in what manner action can be taken against him for misconduct, etc. The whole gamut of what you can describe as conditions of service of a government employee is already prescribed in the rules which are statutory. So far as industrial matters are concerned, it is now recognised that once standing orders are formulated according to the procedure laid down in the Industrial Disputes Act or other Acts, they form part of the conditions of service. When tribunals give awards in adjudications and say that the wage should be X and not Y, it becomes statutorily a part of the conditions of service of an employee. Private employment is not covered here. But there conditions of service are governed by the contract of employment. Wherever there is a body or authority which is a public authority, the conditions of employment are laid down in the statutes creating the body or authority or the byelaws. In the case of universities, they are laid down in the various ordinances or statutes framed under the respective university Acts. All these are conditions of service. All these matters which, under the relevant rules or byelaws or statutes or provisions under the Industrial Disputes Act or standing orders, are regarded as conditions of service will be recognised as conditions of service for the purpose of these tribunals. There is some apprehension that 311 is not part of the conditions of the service. I would say that there is no other article giving the conditions of service which has the maximum of force than conditions of service in 311 because it has a constitutional guarantee and that an employee cannot be removed or dismissed or reduced in rank unless the procedure, giving an opportunity etc. is followed. So, nobody can go against the constitutional mandate to retrench an employee or reduce him in rank unless certain things are done. This is much more

a condition of service of every Government employee than any other condition of service, anywhere in the rules or anywhere in the statute. If you cannot go to the court in 311 and the real grievance of dispute arises as to whether article 311 has been complied with or not, I have personally no doubt that all tribunals will be entitled to go into the question under the relevant statute which will govern the adjudication by tribunals which will be set up by these statute. But it is not correct to say that a tribunal will have the power to issue writ. That power is not given to the tribunal because the power to issue writs is not the power under the conditions of service of the employees. That was an extraordinary remedy and which was quite appropriately described by the courts also, which was given by the Constitution for certain purposes. And when that remedy is being taken away in respect of these matters, power of appeal under 326 to the Supreme Court is provided for. There has been no intention in any part of the proposed constitution amendments, to take away from the Supreme Court which is the highest adjudicating authority in the country and in which all of us and everyone in the country has the utmost confidence, this power. Therefore, looking at it from this background, in this perspective, there is, according to me, no necessity, no justification for any doubt that the tribunals cannot function properly given the cooperation from the employees, the workmen and other people who are likely to be covered by the tribunals and the cooperation of the authorities which will set up the tribunals. Now, it is true that in respect of these tribunals some things have been mentioned that lawyers are not going to be allowed. One hon. Member has said that lawyers may not be allowed. Now, nothing is mentioned that lawyers will not be allowed. It is a well known fact that lawyers have been excluded in some of the tribunals. For example, under the Industrial Disputes Act, a lawyer cannot appear unless there is consent from other side. There is no intention at the present moment, to do anything of that kind. My personal feeling is because I cannot commit the Government at this stage, the policy with regard to these matters will be determined, will be formulated. I do not know why while in extraordinary matters which go before the High Courts you are allowing lawyers when the same jurisdiction is being transferred to the trunbals, the lawyers should not be permitted. But all that I can say at the moment is that this is a matter which is still open. The Government will take a decision later on. But there is certainly no provision in the Act that lawyers are to be excluded.

With regard to the composition of the tribunal, I have already stated that while it is difficult to lay down in the Constitution the formulation, the composition of the tribunals, the composition will certainly be laid down in the statute when it will be brought before the House for consideration. It will depend on the nature of the tribunal, the purpose for which the tribunal is going to be set up as to how the constitution of that tribunal should be. All that I can say is to repeat what I have said earlier that it will be the Government's endeavour to see that the tribunal is composed of the people who will inspire confidence. It will not necessarily be composed only of judicial persons although I personally think that it is necessary that at any rate some representatives of those who have judicial experience ought to be there on these tribunals. It is not absolutely necessary that everyone of the tribunal should have that experience. I have got the example of the Income-tax Appellate Tribunal. We have judicial members, we have the accountant members. The Tribunal is functioning extremely well and even those people who have gone before the Income-tax Appellate Tribunal have told me and have spoken on the public platform that the Income-tax Appellate Tribunal as it is constituted today,

[Shri H. R. Gokhale]

is the best example to show how the tribunals if properly constituted, can create confidence. I can say that the Income-tax Appellate Tribunal's decisions are rarely interfered with by the High Courts and the Supreme Court because the quality of their work has been found to be sufficiently good as to inspire confidence. Suggestions have been made; they will be borne in mind. A suggestion says that we must have a trade union representative, another one that some public men should be there and still another that no administrator should be there. I cannot say that there will be no administrator, but it is not to suggest that public men will not be there or that other people like representatives of the people who know industrial law will not be included. All that I can say is that at the moment I cannot indicate what will be done, but that all these angles will be borne in mind before a final decision for bringing in the proposed tribunals is taken; and the tribunals' composition will be brought in here before the Parliament for being enacted into law.

This, broadly, is the approach. (*Interruptions*) So far as agricultural workers are concerned, I believe there are no agricultural tribunals as such. The land reform tribunals are there. Land tribunals are there in various States; and there is provision here with regard to land reform tribunals. That has been taken care of.

Taking all these aspects into account, the present proposal is to set up tribunals, which is a departure, as I said in the beginning, from the existing system; it is a good thing. It has been generally well received in the country and generally accepted by the Members of this House.

Sir, I commend this for acceptance.

SHRI S. M. BANERJEE: Before bringing in legislation on the administrative tribunals, will you say that the employees' representatives, who were consulted earlier, will be consulted now as well?

SHRI H. R. GOKHALE: I cannot give any assurance; but all that I can say is that when the time comes your suggestion, being a good one, will be borne in mind.

SHRI INDRAJIT GUPTA: Is it proposed, in the case of matters relating to disputes and complaints regarding recruitment, conditions of service etc. that only those disputes will be taken up by the tribuals which are specifically referred to them by the Government; or can the aggrieved employee go, *suo moto*, to the Tribunal?

SHRI H. R. GOKHALE: There is nothing of that type here; I do not think it is the intention to provide for a reference. But as I said, the power to refer to the High Court which was there, is not going to be there. For going to the High Court, there was no reference needed. Anyone can go. Looking at the scheme of the proposals, I do not think there will be anything in a reference.

SHRI INDRAJIT GUPTA: In the case of labour disputes which go for adjudication to tribunals, they have to be referred by the Government; otherwise they cannot go.

SHRI H. R. GOKHALE: With reference to industrial disputes, in the first instance there is reference by government, unless of course under section 10(2) both of them agree. That is a different matter. But we are not changing it here. You know how the appellate tribunals were constituted when the Act was there. May be it was at that time restricted only to a few matters, if I remember right. It may be that the whole scheme can be looked into, to see whether it should be widened; but how can I anticipate anything at this moment and make any positive statement?

SHRI SHANKERRAO SAVANT (Kolaba): Will the compositions and functions of the tribunals at the State level also be covered by the Central Act?

SHRI H. R. GOKHALE: It is clear. My friend is a very experienced lawyer. Here it is the Central Government which does it for the State and for the Centre. And there can be a tribunal for one State or for more than one State, depending on the nature of the tribunal.

SHRI K. NARAYANA RAO: There is a reference to the corporations owned and controlled by the government. *Prime facie*, the expression includes public undertakings also. But here the words are: "controlled by the government" What is meant by "by the Government"? Does it include Government of India and also the governments of the States?

SHRI H R. GOKHALE: That is a well-known phrase that has been defined in the Indian Companies Act.

SHRI K. NARAYANA RAO: I want to know whether the public undertakings under the State Governments are also included in this.

SHRI H R. GOKHALE: That is what I am saying. There is a difference between the Government companies and the public-owned corporations Perhaps, the Government companies will not be included. But I do not know; I cannot give a positive answer.

Clause 47.— (*Amendment of article 330*)

MR. DEPUTY-SPEAKER Now we take up clause 47.

SHRI P. R. SHENOY: I beg to move:

Page 16, line 4,—

(i) *after* "the population" *insert*—

"of all the Scheduled Castes and Scheduled Tribes entitled for reservation of seats under this article" (36).

Page 16, line 4,—

after "the population" *insert*—

"of all the Scheduled Castes and Scheduled Tribes as determined by law from time to time and" (268).

SHRI KARTIK ORAON (Lohardoja): I beg to move:

Page 16, line 4,—

after "the population" *insert*—

"of all the Scheduled Castes and Scheduled Tribes as determined by an Act of Parliament from time to time and" (425).

SHRI P. R SHENOY: Clause 47 of the Bill seeks to amend the provisions relating to the reservation of seats for Scheduled Castes and Scheduled Tribes to the various Legislatures. The Explanation which is sought to be added to article 330 reads:

"In this article and in article 332, the expression 'population' means the population as ascertained at the last preceding census of which the relevant figures have been published?"

To this a proviso is sought to be added as follows:

"Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published be construed as a reference to the 1971 census".

After the last preceding census of 1971, we have added a number of Scheduled Castes and Scheduled Tribes to the existing list. Under this proviso, as it is worded, the increase in population amongst the Scheduled Castes and Tribes due to the addition of new Castes and Tribes will not be

[Shri P. R. Shenoy]

taken into consideration till 2000 A.D. which is not fair. Therefore, I would request Shri Gokhale to accept my amendment, which says that the population of Scheduled Castes and Tribes which has increased as a result of the addition of new Castes and Tribes should be taken into consideration for fixing the number of seats for them in the various Legislatures.

SHRI KARTIK ORAON (Lohardaga): We have passed the Scheduled Castes and Tribes Bill, 1976 on the 2nd of April 1976 by which we sought the removal of certain area restrictions. As a result of that Act, the population of Scheduled Castes and Tribes is likely to increase to the tune of 5 million. But, if I have understood the Constitution (Forty-fourth Amendment) Bill correctly, it says that it will take into account the census figure of 1971, which means that it will overlook the Act which we have ourselves passed am entitled to think that this is an inadvertent omission, which I want to rectify by means of an amendment. I will first read the explanation, which says:

> There is the Explanation given in clause 47. It reads:
>
> "In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published."

I have suggested that after "the population", insert the words "of all the Scheduled Castes and Scheduled Tribes as determined by an Act of Parliament from time to time".

This is my amendment and I would request the hon. Minister to accept it.

SHRI H. R. GOKHALE: This is a clause similar to the one which has been adopted earlier. We cannot any change in this clause because the scheme has to be the same.

Clause 48— (*Amendment of article 352.*)

SHRI INDRAJIT GUPTA: I beg to move:—

Page 16, line 14,—

for "specified in the Proclamation".

substitute "resolved by Parliament" (576).

Page 16,—

omit lines 15 to 23. (577)

श्री विजय पाल सिंह (मुजफ्फर नगर) : उपाध्यक्ष महोदय, इस क्लाज का मंशा यह है कि राष्ट्रपति को जो अधिकार हैं इमरजेंसी का उनको यह शक्ति और दी जाय कि वह पूरे देश के बजाय देश के एक हिस्से में भी उसको लागू कर सकें । बात बड़ी साधारण सी है, और कुछ अजीब भी नहीं कि जिन के पास पूरे देश में इमरजेंसी लागू करने की शक्ति है उनको अगर एक छोटे हिस्से में उसको सीमित करने की शक्ति दी जाती ह तो कोई नई बात नहीं हैं। मगर सवाल यह है कि इमरजेंसी दुधारी तलवार है और हमने उसके दोनों फल चखे हैं । हमारे देश में इमरजेंसी लागू हुई और उसका फ़ायदा आम आदमी को पहुंचा, यह हम सबने देखा । दूसरी तरफ़ स्मगलर्स, ब्लैक मार्केटियर्स और फ्यूडल्स उससे थर्राये हैं । लेकिन आज हम देखते हैं और मेरे जिले की ताजा मिसाल है कि यह पूरी ताकत जो राष्ट्रपति को दी गई वह सिमट कर डी० एम० के हाथ में चली गई । जिले जिले में हम इसका जायजा ले सकते हैं । मेरे जिले का कोई आदमी श्रीमती इन्दिरा गांधी को बुरा नहीं कहता, आपकी पार्टी को बुरा नहीं कहता । आज मेरे जिले में अगर शान्ति है तो इसलिये है कि डी० एम०

वहां से चला गया। और यही मेरी मंशा है कि यह ताकत जिलाधीश के हाथ में जब चली जाती है तो अनर्थ हो जाता है। मेरे जिले में आम आदमी को, रिक्शा चलाने वालों की मक्खी और मच्छर की तरह मारा गया। दो दिन तक मुझे हाउस अरेस्ट रखा। कांग्रेस पार्टी के एम० पी० जब गये, दूसरी पार्टी का जिक्र छोड़ दीजिये, तो उनको जिले के अन्दर घुसने की इजाजत डी० एम० ने नहीं दी। लोग इस इमरजेंसी के नाम पर एम० आई० एस० ए० में बन्द हैं जो बेगुनाह हैं। मुख्य मन्त्री ने उनकी पैरोल मंजूर की। लेकिन डी० एम० को इतनी ताकत है कि मुख्य मन्त्री के आदेश को उसने रद्द कर दिया और उन लोगों को पैरोल पर नहीं छोड़ा। तो मेरा कहना यह है कि इसको सीमित करके एक इलाके में लगाया जा सकता है। मगर इसको डेमोक्रेटिक वे में तय किया जाय और किन खास वजूहात की वजह से यह लगाई जाती है उन पर भी रोशनी डाली जाय। इसलिये मेरी पार्टी का संशोधन है कि :

"परन्तु जहां आपात की उद्घोषणा भारत के राज्य क्षेत्र के किसी भाग में ही प्रवर्तन में है तो प्रथम अनुसूची में उल्लिखित ऐसे राज्य या संघ राज्य क्षेत्र के सम्बन्ध में जिसमें या जिसके किसी भाग में आपात की उद्घोषणा प्रवर्तन में नहीं है इस अनुच्छेद के अधीन कोई ऐसी अवधि नहीं बनाई जा सकेगी या ऐसी कोई कार्यपालिका कार्यवाही नहीं की जा सकेगी।"

15.20 hrs.

[SHRI VASANT SATHE *in the Chair*]

SHRI H. R. GOKHALE: The intention behind the proposed Amendment in Clause 48 is very clear. Under Art. 352, as it is today, there is power for the proclamation of Emergency, but there is no power to proclaim Emergency which can be confined to any part of the territory of India; it has got to be for the whole of India. This amendment is important because emergency powers are being exercised even where they are unnecessary. Now, it may not be necessary, under given circumstances, to have Emergency for the whole of India and it may be sufficient to have Emergency only in a particular part of the territory. Therefore, if at all this is a relaxation which is being allowed, such a relaxation is necessary in circumstances.

Similarly, under the present Article, there is only a power to revoke the proclamation of Emergency. You can either revoke it or keep it enforced. But now the amendment proposes that the proclamation can be varied which means that even the existing Emergency which applies to the whole of India can be so varied as to make it applicable to any particular part of the territory of India. It is, I think, a wrong apprehension to think that this is intended to enable people at very low levels to take advantage of the emergency provisions. If this argument were true (and I think it is not) then this would be true also of the Emergency for the whole country. Therefore, if you apprehend the possibility of abuse of such power, it is better that you restrict it only to a small part of the territory so that in that territory alone you can have the proclamation of Emergency for internal disturbances or external aggression. I don't think there is any possibility of abuse, however, because the proclamation of Emergency is done, in the first place, at a level not lower than the highest level. Secondly, whatever powers are conferred, are always done by specific legislation.

So, this is my answer to the only speech made in this regard.

Clause 49—(Amendment of article 353.

SHRI C. K. CHANDRAPPAN (Tellicherry): I beg to move:

Page 16,—

for lines 30 to 35, *substitute*—

"(ii) the power of parliament to make laws under clause (b)

shall not extend to any State other than a State in which or in any part of which the proclamation of Emergency is in operation'. (578)

SHRI ANNASAHEB GOTKHINDE (Sangli): I beg to move:

Page 16, lines 31 and 32,—

omit "or in any part of which"

SHRI C. K. CHANDRAPPAN: I would like to bring to the notice of the House some facts about these new powers which are being assumed by the Government by this amendment. According to this new provision which is being added, the Government will have the power for their proclaiming emergency in any part of the country and parliament will make laws which can be enforced even in those parts of the country which are not under the operation of Emergency. I think this is quite an undemocratic provision. Just now, while answering the discussions, the Hon. Minister had stated that if the Government finds it necessary that the emergency should be there only in one part of the territory of the country, then the Government would not like the Emergency to be declared for the whole of the country. If the position, as it is stated in the amendment is accepted, suppose there is partial Emergency declared in Nagaland, then this Parliament has the power to enact legislation in regard to that part of the country for the enforcement of Emergency. And if Government considers that, in the interest of security of the country, that legislation should be enforced in another part of the country, they can do so. That is to say, after declaring Nagaland to be an area where Emergency is to be proclaimed, Government can enforce the legislation, which will be put into operation in that area, in West Bengal also, for example, the legislation can be put into operation in other parts of the country also. That is what we understand from this. If that happens, then what does it mean? It means, introducing the Emergency through the backdoor....

MR. CHAIRMAN: You are basing the whole thing on a wrong assumption. Kindly read the clause first; it speaks of the power of Parliament to made laws; Government cannot automatically extend it....

SHRI C. K. CHANDRAPPAN: It reads:

"the power of Parliament to make laws under clause (b), shall also extend to any state other than a State in which or in any part of which the Proclamation of Emergency is in operation... '

MR. CHAIRMAN: It refers to the power to make laws. You are proceeding on the wrong assumption that this law will automatically be extended to other parts.

SHRI C. K. CHANDRAPPAN: After enacting legislation for a particular part of the country which is brought under Emergency, I understand that Government can enforce that law in other parts of the country also. That is to say, in the other parts of the country which are not under Emergency, Government will put into operation that legislation by which a part of the country has been brought under Emergency. This is how I have understood this. I may be wrong. When the Law Minister explains it, it will be clear. If that is the case, then this is very undemocratic and authoritarian because Emergency has been brought into force

only in a part of the country and if the laws which are enacted by Parliament for the enforcement of that are put into operation in other parts of the country also, then practically the whole country is under Emergency—even though only one part of the country has been declared to be under Emergency. This is the apprehension....

AN HON. MEMBER: It is not worse than the present one.

SHRI C. K. CHANDRAPPAN: That is a different matter. Then, we need not have the Amendment. Since this Amendment has been brought forward and the Minister also has explained that there is a reason for declaring one part of the country to be under Emergency, I would like to point out to him that this goes against the spirit of it. That is why, we have moved an amendment to say:

> "page 16, *for* lines 30 to 35, *substitute*,
>
> '(ii) the power of Parliament to make laws under clause (b) shall not extend to any State other than a State in any part of which the proclamation of Emergency is in operation'."

Our amendment seeks to clearly specify the power of Parliament to enact legislation and where it can be put into operation.

SHRI ANNASAHEB GOTKHINDE (Sangli): Mr. Chairman Sir, I would like to draw the attention of the hon. Law Minister very seriously to the point that I am making.

We have already considered clause 17 of the Bill which seeks some amendment of Article 83 of the Constitution. The proviso to clause (2) of Article 83 is not changed and it reads:

> "Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by Law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the proclamation has ceased to operate".

That proviso remains as it is My amendment is:

> "Page 16, line 31 and 32,—
>
> *omit* "or in any part of which"

The Constitution is an important document; there is no doubt about it. The wordings in it should be as precise as possible and there should not be any word which is redundant. In this particular context, 'in any part of which' is very clearly redundant.

By clause 48 of this Bill, we are going to amend Article 352 of the Constitution and are adding these words:

> "in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation."

The area is going to be specified in the Proclamation issued under Article 352. Therefore, I want to know from the Law Minister if the intention is to have an enabling provision to declare emergency in any part of a State or the whole State.

Secondly, my submission is that this proviso to clause (2) of Article 83 must not be made applicable while such limited or partial proclamation of emergency is in operation. This proviso enables the Parliament to extend the life of the Lok Sabha by enacting the Law, while the proclamation of emergency is in operation. But by this Article, we are going to have a limited or partial proclamation of emergency. The question is, whether after the declaration of such emergency, the Parliament will still be able to use the powers provided in proviso to clause (2) of Article 83. As I submitted, this proviso to clause (2) of Article 83, must not be made applicable while such limited or partial proclamation of emergency is in operation.

श्री इसहाक सम्बली (अमरोहा) : सभापति महोदय, जो क्लाज 49 पर हमारे ग्रुप ने अमेंडमेंट सजेस्ट किया है आपने उसका मुलाहिजा फरमाया है। हम को यह देख कर ताज्जुब होता है कि सरकार को इतनी ज्यादा पावर्स देने के लिए मिनिस्टर साहब क्यों परेशान है ? आप जरा गौर करें। इसमें सरकार की तरफ से कहा गया है कि जहां कहीं एमरजेंसी लगायी जायगी एमरजेंसी खत्म होने के बाद भी जो एमरजेंसी लाज है वे चलते रहेंगे। ऐसा क्यों ? जरूरत इस बात की है कि जब वहां से एमरजेंसी खत्म हो जाय तो स्टेट असेम्बली को वहां पर पूरी तरह पर पावर होनी चाहिए, अगर वह उन लाज को वहां पर रखना चाहती है तो ठीक है और अगर नहीं रखना चाहती है तो यह समझ में आने वाली बात नहीं है कि एमरजेंसी तो खत्म हो गई लेकिन एमरजेंसी के लाज वहां पर चलते रहेंगे। इसलिए हमारी तरफ से जो अमेंडमेंट मूव हुआ है मैं उम्मीद करता हूं कि मिनिस्टर साहब उस पर गौर करेंगे।

SHRI H. R. GOKHALE: The scheme of this article is not very difficult to understand if we read it carefully.

The main grievance which has been made is that you can operate the power, the executive power, of the Union to give directions (1), (2) the power of Parliament to make laws even to areas which are not the areas to which partial emergency is made applicable, where there is no emergency to other areas.

My friend, Mr. Chandrappan, hails from Kerala. Suppose, and I hope it will not be so, there is a need for declaring emergency in Kerala on the ground of internal disturbances or external aggression and in the adjoining State of Tamil Nadu there are activities which are banned and which are dangerous to Kerala, to the protection of the State of Kerala which is in a state of emergency, then, unless we stop the people from operating from an adjoining State so as to defeat the purpose of the emergency in Kerala State, the emergency in Kerala cannot become effective. Therefore, the only purpose is that this is only to the extent necessary to make the emergency effective in the areas to which it is made applicable that; that is, the power to give directions and to give executive directions to an adjoining State or to make certain central laws applicable to the adjoining State becomes necessary. This is only a provision to make the emergency provisions effective.

The second thing that was mentioned was: why should the laws which are made during the period of emergency for the whole of India be made applicable, even after the emergency, only to a state or a region. This is a hypothetical question. In the first instance, such a thing cannot happen. If we say that the emergency is limited only to that State, I suppose then the laws or special provisions which will be made applicable in such a situation will be only those which are deemed necessary for the proper functioning of the emergency and the protection of the conditions in that State and not elswhere. Therefore, the intention can never be that you make a law for the whole country although there is an emergency only in one small part of the territory of India.

The third thing that was mentioned from this side was with regard to the power of Parliament to extend the life of the House and what was asked was: will it be there even if the emergency is only limited to a part of the territory of India? First of all, Parliament, as you know, is a body representing the whole country. It may be that in that particular State where there is an Assembly, the power to extend the life of the Assembly is separately there. By a separate article the life of the Assembly can be extended. I do not suppose that the extention of Parliament will depend on the existence of emergency only in one part of a State. That is how I understand the provision and I suppose no difficulty or apprehension need arise on that ground.

SHRI ANNASAHEB GOTKHINDE: "or in any part of it"—the wording is not clear. To that point of mine he has not replied.

SHRI H. R. GOKHALE: I have seen the hon. Member's amendment. On the contrary the grievance is that you should not exend the emergency provisions to another State.

SHRI ANNASAHEB GOTKHINDE: The impression was that the emergency can be only in the whole State and not in any part of the State.

SHRI H. R. GOKHALE: No, you are under the wrong impression that the proclamation of emergency must necessarily be for the whole State.

SHRI ANNASAHEB GOTKHINDE: I have specifically asked whether it is an enabling provision to declare emergency in any part of a State.

SHRI H. R. GOKHALE: There is. That is the language of the Article.

Clause 50—(Amendment of article 356.

SHRI BIBHUTI MISHRA (Motihari): I beg to move:

Page 16, line 36,—

after "Constitution" *insert*—

'(i) in clause (1) after the words "this Constitution," the following shall be inserted, namely:—

"or the economic development of the State is not at par with other States" and (ii)' (16).

Page 16,—

after line 37, *insert*—

'(ii) after clause (4) the following clause shall be inserted, namely:—

"(4a) Notwithstanding anything contained in this article, every Proclamation made under this article on the ground of inadequate economic development of the State shall continue to be in operation for such period as the President is satisfied about the adequacy of such economic development.'' '(17)

Page 16,—

after line 37, *insert*—

'(ii) In clause (5), for the words "clause (1)" the words "clauses (1) and (4a)" shall be substituted.' (18)

SHRI KARTIK ORAON: I beg to move:

Page 16, line 36,—

after "Constitution" *insert*—

'(i) in clause (1), after the words "of this Constitution," the following shall be inserted, namely:—

"or there is mounting resentment, discontent or dissatisfaction due to regional economic imbalance in any part of the State," and'. (426)

Page 16,—

after line 37, *insert*—

'(ii) after clause (4), the following clause shall be inserted, namely—

"(4A) Notwithstanding anything contained in this article, every Proclamation made under this article on the ground of regional economic imbalances of any State, shall continue to be in force for such period as the President is satisfied about the removal of such economic imbalance."' (427)

SHRI INDRAJIT GUPTA: I beg to move:

Page 16,—

for clause 50, *substitute*—

'50. In article 356 of the Constitution, in clause (4), the words "not exceeding" shall be inserted before the words "six months" wherever they occur'. (481)

SHRI S. D. SOMASUNDARAM: I beg to move:

Page 16, line 37,—

for "one year" *substitute* "five months" (603)

श्री विभूति मिश्र (मोतीहारी) : सभापति जी धारा 356 में लिखा हुआ है कि जब किसी राज्य की मशीनरी फेल हो जाय तो गवर्नर रिपोर्ट करे या राष्ट्रपति को पता लगे तो वहां पर राष्ट्रपति शासन लागू किया जा सकता है । मेरे विचार में यह धारा बड़ी वेग है इसमें खुलासा नहीं है कि कौनसी मशीनरी फेल हो गई, ला-एण्ड-आर्डर फेल कर जाय, आर्थिक परिस्थिति फेल कर जाय, डवेलपमेंट का काम फेल कर जाय या वहां पर राएट हो जाये जिसकी वजह से स्थिति खराब हो जाय, वह क्या कारण होगा जिसकी वजह से गवर्नर रिपोर्ट करेंगे या राष्ट्रपति को अदरवाइज पता लगे—तब वे वहां राष्ट्रपति शासन लागू करेंगे । मैं चाहता हूं कि इस में जोड़ा जाय कि उस स्टेट में आर्थिक परिस्थिति का उत्थान दूसरे स्टेट के मुकाबले न हो और केन्द्रीय सरकार पैसा देती हो या स्टेट सरकार पैसा देती हो—अगर स्टेट में काम ठीक ढंग से न हो रहा हो तो स्टेट में राष्ट्रपति शासन लागू किया जाय और तब तक वह राष्ट्रपति शासन लागू रहे जब तक वह स्टेट दूसरी स्टेट के मुकाबले न हो जाय । प्रधान मन्त्री ने कई बार कहा है—इस देश में बहुत सी स्टेट्स में डवेलपमेंट का काम गिर गया है, बहुत सी स्टेट्स पीछे हो गई हैं—यह जवाबदेही केन्द्रीय सरकार की है केन्द्रीय सरकार ने स्टेट्स को कायम रखा है । मैंने अपनी पिछली 25–26 वर्ष की जिन्दगी में यही देखा है कि जब भी किसी स्टेट में राष्ट्रपति शासन लागू किया गया और उस को हटाया गया तो यह नहीं देखा गया कि उस स्टेट में आर्थिक और दूसरी उन्नति कहां तक हुई है । इसका कोई लेखा-जोखा हम लोगों के सामने नहीं आता है । जब भी राष्ट्रपति शासन लागू किया जाता है—गवर्नर साहब की रिपोर्ट आ जाती है, जो हमारे सामने पेश कर दी जाती है । मेरा अपना ख्याल है कि डवेलपमेंटल काम में अगर कोई स्टेट फेल करती है तो वह बड़ा जुर्म करती है और केन्द्रीय सरकार को तुरन्त वहां राष्ट्रपति शासन लागू करना चाहिये ।

पहले मेरा एक एमेंडमेंट था, उसको मैंने मूव नहीं किया है लेकिन मैं यह कहना चाहता हूं कि देश की अगर आप उन्नति करना चाहते है तो यूनीटरी फार्म आफ गवर्नमेंट होनी चाहिए । इससे हो सब तरह से देश की उन्नति और देश का उत्थान हो सकता है लेकिन उसको हमारी सरकार मानने को तैयार नहीं है । इसलिए मैं यह कहना चाहता हूं कि यह जो धारा 356 है, यह बड़ी वेग धारा है और मैं समझता हूं कि अगर किसी स्टेट में एकोनामिक फेन्योर हो तो जब तक उसकी एकोनोमिक कंडीशन दूसरी स्टेट के मुकाबले नहीं पहुंच जाती, तब तक राष्ट्रपति शासन वहां पर रहे और उस स्टेट की पूरी छानबीन सरकार करती रहे ।

SHRI KARTIK ORAON: I have moved an amendment to Article 356(1) which says:

Page 16, line 36,—

after "Constitution" *insert*—

'(i) in clause (1)' after the words "of this Constitution, the following shall be inserted, namely:—

"or there is mounting resentment, discontent or dissatisfaction due to regional economic imbalance in any part of the State," and'

Sir, Providence has so arranged that wherever the tribals live, the area is either rich in mineral deposits or rich in forest wealth. But the fact remains that such areas are very backward due to influx of population from outside and displacement of the people living in these backward areas.

Sir, we are all aware of the resentment expressed from time to time, from various parts of the country which are backward. That is why I have moved this amendment to Article 356, Clause 1.

My second amendment reads as follows:—

Page 16,—

after line 37, *insert*—

'(ii) after clause (4), the following clause shall be inserted, namely:—

"(4A) Notwithstanding anything contained in this article, every Proclamation made under this article on the ground of regional economic imbalances of any State, shall continue to be in force for such period as the Preseident is satisfied about the removal of such economic imbalance."'

Satisfaction of the Preseident in such cases is very important and until he is satisfied the proclamation of emergency cannot be declared, and for that matter, cannot be allowed to continue. The emergency is always declared with some specific purpose. Otherwise it would amount to shooting without any aim. The proclamation of emergency should be in force until such time when the purpose for which proclamation of emergency has been declared is over. Dissatisfactions are always the seats of resentment arising out of regional economic imbalances. And such resentment can be sometimes very explosive. Therefore, to make this proclamation more meaningful I have moved this amendment to Article 356, Clause 4.

I request the Law Minister to accept both these amendments moved by me.

16 hrs.

श्री कमला मिश्र मधुकर (केसरिया) : सभापति जी, मैं संविधान के 44वां संशोधन विधेयक में संशोधन संख्या 481 प्रस्तुत कर रहा हूं। मेरा संशोधन यह है कि—"संविधान के अनुच्छेद 356 के खण्ड (4) में "छह महीने" में शब्द जहां जहां पे आते हैं, उनके स्थान पर "अधिक से अधिक छह महीने" शब्द रखे जाएंगे।"

सभापति महोदय, हमारी पार्टी इस विधेयक को देश को एक कदम आगे ले जाने वाला विधेयक मानती है, इसलिए हम इसका समर्थन कर रहे हैं। हमारी पार्टी के जितने भी संशोधन आये हैं, वे इस दिशा में आये हैं कि इस बिल में जितने भी लूपहोल्स हैं, जिनसे कि इस बिल के उद्देश्यों की पूर्ती में बाधा पड़ती है, उन लूपहोल्स को दूर किया जाय। लेकिन ला मिनिस्टर ने हमारी पार्टी के किसी संशोधन को नहीं माना है।

अब तक क्या होता है कि अगर किसी राज्य में राष्ट्रपति शासन लागू होता है उसके लिए पार्लियामेंट को अधिकार है कि छह महीने के बाद उसके बारे में रिव्यू करे। इस विधेयक के पास हो जाने के बाद इसके बारे में एक साल तक कोई रिव्यू नहीं हो सकता कि वहां परिस्थिति बदल गयी है या नहीं। एक साल तक इस पर पार्लियामेंट में बहस नहीं हो सकती। पुराने संविधान के अनुसार जिसमें कि इसके द्वारा संशोधन किया जा रहा है राष्ट्रपति शासन की अवधि

[श्री कमला मिश्र मधुकर]

एक बार में छह मास तक हो सकती है और वह कुल अवधि तीन वर्ष से अधिक नहीं हो सकती। इस बिल के साथ जो टिप्पणी की गयी है उसमें लिखा है—

> "विद्यमान अनुच्छेद 356 के अधीन संसद् द्वारा अनुमोदित उद्घोषणा छह मास की अवधि के पश्चात् प्रवर्तन में नहीं रहती है (यदि वह पहले ही वापस न ले ली जाए)। इस अवधि का एक बार में छह मास के लिए नवीकरण किया जा सकता है किन्तु कुल अवधि तीन वर्ष से अधिक नहीं हो सकती। अब छह मास की अवधि को बढ़ा कर एक वर्ष किया जा रहा है। अनुच्छेद 350 के खण्ड (2) के स्थान पर एक नया खण्ड रखा जा रहा है। इस नए खण्ड का आशय यह है कि अनुच्छेद 356 के अधीन राज्य विधान मण्डल की शक्ति के प्रयोग में संसद् या राष्ट्रपति या किसी अन्य प्राधिकारी द्वारा बनाई गई विधि तब तक प्रवृत्त बनी रहेगी जब तक कि वह सक्षम विधान-मण्डल या अन्य प्राधिकारी द्वारा परिवर्तित निरसित या संशोधित न कर दी जाए।"

इसका मतलब यह होता है कि इंडेफिनिट पीरियड तक, अनिश्चित काल तक राष्ट्रपति को शासन करने का अधिकार हो जायेगा और राज्य पर जो डेमोक्रेटिक कण्ट्रोल होता है वह कमजोर पड़ जायेगा। यह जो जनता की अदालत है, जो पार्लियामेंट है, इसको भी छह महीने में राज्य की बदलती हुई परिस्थिति के बारे में विचार करने का मौका नहीं मिलेगा। सभापति जी आप जानते हैं कि बहुत सारे मामलों में अधिकारियों द्वारा जो विधि अपनायी जाती है, उसमें खामियां पायी जाती हैं। उन खामियों पर पहले छह महीने में इस पार्लियामेंट को विचार करने का मौका मिलता था, इस बिल के पास होने के बाद एक वर्ष में यह मौका मिलेगा। हमने अपने संशोधन के द्वारा इस अवधि को अधिक से अधिक छह महीने की रखने के लिए कहा है। इस बिल में इस क्लाज में आपने जो व्यवस्था की है वह नौकरशाही के पक्ष में जा रही है और इससे हम जनतन्त्रीयकरण की दिशा में आगे नहीं जा रहे हैं। इसलिए मैंने अपना यह संशोधन रखा है ताकि जनतन्त्रीयकरण की दिशा में आगे बढ़ने बारे में इसमें जो त्रुटि है, वह दूर हो जाय। महाभारत में एक कथा आती है। पांडवों को जलाने के लिए कोशिश बनाई गई। उसके लिए लाख का घर बनाया गया। विदुर ने जो पाडवों के दोस्त थे सोचा कि पांडव जल जाएंगे इसलिए उन्होंने एक सुरंग बनवा दी और उस सुरंगों को खम्भों से ढक दिया गया ताकि पता न चले कि पाडवों के निकलने के लिए यह रास्ता बना दिया गया है। जब लाख के घर को आग लगाई गई तो पांडव इस सुरंग के रास्ते निकल गए और बच गए। उसी तरह से सरकार जिन उद्देश्यों को ले कर आगे बढ़ना चाहती है, कदम उठाती है वहां साथ साथ ऐसी क्लाजिज भी रख देती है जिससे प्रतिक्रियावादी शक्तियों को, नौकरशाही को देश के जनतांत्रिक विकास में बाधायें खड़ी करने का मौका मिले। इस लिए मेरा आप से निवेदन है कि मेरे इस संशोधन को आप स्वीकार कर लें ताकि उनको इस तरह का मौका न मिल सके।

श्री मूल चन्द डागा: राष्ट्रपति का शासन कहीं भी हो इसको कोई पसन्द नहीं करता है। यह नौकरशाही का शासन

होता है। मैं मोझाडे साहब से कहना चाहता हूं कि वह आर्टिकल 85 को देखें। इस में यह व्यवस्था की गई है कि छः महीने के अन्दर अन्दर पार्लियामेंट को बुलाया जाना चाहिये। जब आप पार्लियामेंट तक को छः महीने में एक बार आवश्य बुलाते हैं तो राष्ट्रपति के शासन के लिए आप एक साल का समय क्यों रख रहे हैं। यह चीज लोकतांत्रिक सिद्धान्तों के खिलाफ है। इस चीज को कोई पसन्द नहीं करेगा।

*SHRI S. D. SOMASUNDARAM (Thanjavur): Mr. Chairman, Sir, Clause 50 of this amending Bill seeks to amend Article 356 of the Constitution. When this clause is approved by this House, then the President's rule in a State will be for a period of one year, and not six months. I do not understand the reason for bringing forward this amendment. I would like to know whether the existing provision of six months' President rule in a State is a stumbling block for the economic progress or does it stifle democracy in any way or does it in any manner hinder the progress of the nation.

The founding fathers of our Constitution wanted that the President's rule in a State should not go beyond six months, and besides, the elections should be held within six months so that democratic rule can be restored at the earliest. That was why it was mentioned specifically in the Constitution that the President's rule should not go beyond six months.

With a view to fostering democracy the peoples' representatives are associated with the Administration at all levels—Panchayats, Panchayat Unions, Municipalities, Corporations and such other local bodies, the State Assembly and the Lok Sabha. During President's rule, the administration is carried on by the bureaucrats. Unlike the peoples' representatives who are elected directly by the people, the bureaucrats do not have any interest in redressing the grievances of the people. The representatives of the people want to serve the people; they want to contribute their mite for the progress of the nation, since they realise that the welfare of the people is synonymous with the progress of the nation. They sacrifice their everything to achieve this goal. The bureaucrats from their ivory tower are not always guided by such laudable objectives.

The Sessions of Parliament are held three times in a year and if at all the Government want to extend the period of the President's rule in a State it can be got done without any great difficulty. When there is such a built-in safeguard, what is the reasons for this amendment? It seems that just for the sake of bringing an amendment it has been brought forward. I don't think it meets with any requirment of the situation. On my own behalf and on behalf of my party, the All-India Anna Dravida Munnetra Kazhagam, I oppose this amendment.

SHRI H. R. GOKHALE: Mr. Chairman, Sir, the amendments given by Shri Kartik Oraon and Shri Bibhuti Mishra proceed on the basis of economic imbalance or on the ground that economic progress has not been made sufficient in a State and, as such, there can be President's rule. This is not so, now. It can only be on the ground that the constitutional machinery has failed and this is also only on the report of the Governor and not otherwise. The concept of having President's rule because of economic imbalance being there or the

*The original speech was delivered in Tamil.

[Shri H. R. Gokhale]

progress of the State is not good is not there at present but perhaps it is intended that it should be brought.

It would be a difficult and dangerous thing to do. First of all, how to judge in comparative terms the progress made by one state as against the progress made by another state? It will be the subject matter of vaild criticism that the assesment of economic imbalance or progress in economic matters had been made purely for political purposes. (An Hon. Member: Percapita income). If you bring in that, there are so many other thing that can be brought. That is not the purpose for which the President's rule can be declared.

The other thing is with regard to the substitution of one year in place of six months. It has been the experience in the last few years that when President's rule was declared it was not normally possible to restore the state legislature within a period of six months, due to various factors and it was thought that six months period was too short and therefore one year's period is provided for. Moreover the power to revoke a proclamation in less than six months is there; it has not been taken away. Parliament can discuss the question at any time if the Speaker is pleased to permit a discussion whether or not the President's rule should be continued or should not be continued. Such a discussion is not barred. Therefore, I do not think that the amendments can be accepted.

MR. CHAIRMAN: We shall now take up clause 51. There are some amendments.

Clause — (*Amendment of article 357.*)

SHRI INDRAJIT GUPTA: I beg to move:

Page 16, —

for lines 45 to 47, *substitute*,—

"after the Proclamation has ceased to operate, continue in force for not more than one year." (482)." (482).

SHRI H. R. GOKHALE: I beg to move:

Page 17, line 1, —

for "shall apply to any law" *substitute*—

"shall apply also to any law". (657).

SHRI D. K. PANDA (Bhanjanagar) By our amendment No. 482, we want to substitute the following words for lines 45 to 47 on page 16:

"after the Proclamation has ceased to operate, continue in force for not more than one year."

Article 357 is being sought to be amended by the present amending Bill to the effect that any law made by Parliament ..... shall continue in force until altered, repealed or amended by a competent legislature of other authority." It means that any law made during the President's rule in a state will continue in operation indefinitely. Previously it was one year; now it has been extended to an indefinite period. During the period of presidential proclamations, generally there are stringent laws and certain measures are taken in national interest; some of them mean curbing individual rights. If such laws were allowed to continue for an indefinite period it will have an undemocratic effect on the citizens. Whatever be the performance whatever be the intention, it will definitely curb the citizens' fundamental rights. So far as workers interests are concerned, the legitimate rights of the worers, peasants and agricultural labourers are concerned, there might be some law during that period which may go against them. So, by one hand if we make some law to give some benefits to the weaker sections of the society, by the other hand, because of the abuse of power, misuse of such power, those benefits will be taken away by

the bureaucrats. In the past, what has happened? The entire past has shown different trend. Now, the present trend indicates that Emergency was there over whole of the country. Now, in each area, in each taluqa, the law is extended so as to enforce Emergency in those areas. Similarly there were some rights which were given to the citizens, but now the Bureaucracy, the Executive and the Administrative machinery have made so many other provisions by which these rights are again going to be curbed. During 1963—65, there was no war, but the Emergency continued. Suppose in a particular State, there is President's rule, there are certain acts to deal with that State for that period, to deal with certain types of situations. Now, that will continue even if normal situation has come. Therefore, this trend, this attitude, this approach has to be rejected.

Our Amendment is very simple. Let it be confined to the same one year as it is in the Constitution.

SHRI H. R. GOKHALE: Sir, it was said that this was very undemocratic. Now, the existing position is that when there is a law made by the Parliament or by the President, during the period when a State is under President's rule, that law continues to be in force in that State for a period of one year unless repealed by the State Legislature. After the President's rule is lifted, the law continues. Now, all that is being done is that if a law is made by the Parliament or President, it continues. But the power to repeal is not taken away. In most cases, it is not repealed because the laws which are made are laws which are necessary in the interest of the people. For example, an act was made by the President in respect of Tamil Nadu, about indebtedness. Now, why should not such a law continue to be in force, unless some Government in Tamil Nadu, later on, thinks that this law for abolition of indebtedness should not continue? Therefore, the position is only reverse to this extent that it continues unless repealed by the State Legislature. It does not automatically lapse. So, what is undemocratic in that?

MR. CHAIRMAN: Now, we go to Clause 52.

Clause 52 —(*Amendment of Article* 358).

SHRI C. M. STEPHEN: I beg to move:

Page 17, lines 9 and 10, —

Omit "Specified in the First Schedule" (157)

SHRI C. M. STEPHEN: I am not moving my Amendment No. 158.

SHRI B. V. NAIK: I am not moving my Amendment No. 637.

SHRI ANNASAHEB GOTKHINDE: I am not moving my Amendment No. 647.

SHRI C. M. STEPHEN: It is a very simple amendment and I think it is very necessary. It is stated that a Proclamation of Emergency will extend to any State or Union Territory specified in the First Schedule. My amendment is that the words "specified in the First Schedule" be deleted. The reason for this is that the Union Territory is defined under the Constitution. The Union Territory means, any Union Territory specified in the First Schedule and includes any other Territory comprising the Union Territory of India but not specified in such Schedule.

There is no reason why you should restrict it to the Union Territories specified in the First Schedule only. If there are other territories it must cover that area also. It need not be limited that way Union Territory has been defined in the Constitution. There might be territories which

[Shri C. M. Stephen]

might not have been specified there. But still form territory of India. Therefore, my amendment is that when there is a definition in the Constitution of what a Union Territory is, it is not necessary to say "specified in the First Schedule" and these words may be omitted.

SHRI H. R. GOKHALE: Although I may not agree with all the reasons given by Mr. Stephen, one reason he has given, which I accept. That is, the words "specified in the First Schedule" are unnecessary because Union Territory is defined in the Constitution. I accept his amendment.

SHRI C. M. STEPHEN: After four-days of gruelling debate, you are accepting one amendment!

Clause 53—(*Amendment of Article* 359).

SHRI C. M. STEPHEN: I beg to move:

Page 17, lines 21 and 22,—

omit "specified in the First Schedule" (159)

SHRI H. R. GOKHALE: I accept the amendment.

SHRI INDRAJIT GUPTA: I beg to move:

Page 17,—

for lines 18 to 27, *substitute*—

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India no such law may be made and no such executive action may be taken, under this article in relation to or in any State or Union Territory specified in the First Schedule in which or in any part of which the Proclamation of Emergency is not in operation."; (579)

Page 17,—

omit lines 28 to 36. (580)

I do not want to take much time because I can see visible signs of impatience on your part because you are a young man and on the part of the Minister of Parliamentary Affairs because he is not so young! But suddenly the mountain seems to have moved and the minister so suddenly and so generously accepted such a fundamental amendment by Mr. Stephen! So, I am encouraged to move my amendments.

This clause relates not to a condition where President's rule exists but where a proclamation of emergency has been declared. Our basic objection to this clause—and also to clause 52, because the substance is the same—is that this will enable the substance of emergency to be imposed on any part of the country without a proclamation of emergency there. This is what it means. Emergency can be declared in any part of the territory of India or a union territory. Nothing is specified as to whether there is any kind of minimum restriction on the area to be so affected. The position today is that emergency cannot be imposed unless it is done on the entire country. Suddenly he is asking us to accept an amendment which would mean that emergency can be imposed even in a village or a taluka or a district. There is no bar on that. Mr. Gokhale is an amiable and pleasant man, but the trouble with him is that he is asking us constantly to judge the amendments not on their merits but on his intention. I am very sorry I cannot go by that, however much it may annoy some. I cannot share the illusion or delusion, which some people on that side seem to have, that for all time to come they are going to remain in power and Mr. Gokhale is going to remain Law Minister; and, therefore, you must trust us to do this or that. That is not the way in which in Parliament we judge such important amendments

being made in the basic law of the country. We have to go by what the amendment says, not by Mr. Gokhale's intentions, however honest and good they may be. I cannot go by this. This is going to be written permanently into the Constitution of the country. From that point of view, I would consider this to be a most dangerous and obnoxious thing. Here is not only a law which, of course, the Parliament makes, but even an executive order made with reference to that particular part of the country where there is an emergency, may be even a district or a taluka, that can be extended to any other part of the country which is not under emergency. This is a strange thing. If there is such a situation in any other part of the country which warrants all these laws are executive orders, you can extend the emergency to those areas also. But without declaring emergency you want to create conditions of emergency there. You may not want to do it, but anybody can exercise that power for that purpose.

MR. CHAIRMAN: Intentions appear to be localised.

SHRI INDRAJIT GUPTA: Can you go upto the village level? Emergency in a single village! Localised I can understand but having localised it, you are extending it to other States which are not under emergency. This is fantastic. You can extend the boundaries of emergency to a region, to a group of States or anything. Why not do it in a straightforward manner? Suppose, in Nagaland you have an emergency and then somebody can say that there is a particular organisation functioning in that area which endangers the security of the country and in order to curb the activities of that organisation in other States, the whole lot of laws can be extended to other parts of the country without referring to that particular organisation? So, I want to omit lines 28 to 36 from this. Otherwise, this will become a dangerous thing in the hands of the bureaucracy. Therefore, I would request him at least to consider to relax it. When you and I will not be there, I do not know how these laws are going to be put into practice in future.

SHRI H. R. GOKHALE: My intention, when I said that the intention is this, was not to tell you my personal intention. The intention is as is evident here from the language of the proposed article. The argument is, what is described as *reductio ad absurdum*. Because of this, you can say why a village, you can say a hut in the village or a garden in the village. If the argument is valid, it can go to its logical conclusion. These are what is called, *reductio ad absurdum*. The basis of the amendment is that instead of being required to proclaim emergency in the country, if you think that really emergent conditions exist only in a part of the country, that part need not necessarily be synonymous with the State or may not even be synonymous with the city but may be synonymous with two States, you can declare emergency in respect of that region instead of saying State, village, etc. Now, what is the purpose if you want to have emergency? The purpose is, firstly it is wrongly interpreted when you say that we are extending the emergency to other parts. We are not. What we are really doing is that under 353 when there is a power in Parliament to make laws and when there is a power to give executive directions in respect of certain matters in an emergency, you cannot make declaration of emergency in a particular region, or in a particular place ineffective, by allowing these elements which have necessitated the proclamation of Emergency in the State, to operate from an adjoining State? If you find that a region is in danger because of certain activities of some elements in the adjoining State, with a view to protecting that State for which Emergency is declared, you have to take a certain action or have a law. That is

[Shri H. R. Gokhale]

what I said while discussing the earlier clause. That, I said is not my intention, but the intention of this bill, as evidenced in the language itself. Therefore, I can see that there can be apprehensions. But if you give a reasonable interpretation to this, I don't think anyone, excepting one who is absolutely a despot and who has no respect for anything which is good, can do it. But then, he need not go to the Constitution at all.

SHRI INDRAJIT GUPTA: Whether we convince each other or not, for the time being, may I ask you, Mr. Gokhale, one thing? At present the whole of the country is under Emergency. It was also already under an emergency on the plea of threat of external aggression, since 1971. That Emergency has also not been withdrawn. On top of that, last year's Emergency has been proclaimed. In a sense there is a double Emergency going on, and the whole country is under it. There is no likelihood, I think in the very near future, of this Emergency being withdrawn. Elections have also been put off. So why should you withdraw the Emergency? Therefore what is the great hurry just now in passing this, because it is unreal? You are immediately not bothered about the one part of the territory, one part of the Union Territory and all that. The whole country is in fact under Emergency and is likely to be continue to be so for quite some time; when a situation arises when Government is of the view that it can withdraw the Emergency, we can then consider whether this provision should be replaced by a provision like this. But why are you in a hurry to do this just now? Let the present position be there for the time being. Nothing is being lost. The whole country is under Emergency. Why are you in such a hurry to shove all these things into the bill just now?

MR. CHAIRMAN: You are begging the question.

SHRI INDRAJIT GUPTA: Which question am I begging?

MR. CHAIRMAN: You are making a grievance that it might become permanent. That is where the begging lies.

SHRI INDRAJIT GUPTA: First of all, I am opposed to it. But I am also saying that there is no great hurry to do it just now. Why can't he consider this?

SHRI H. R. GOKHALE: He is quite confident that the two Emergencies which are there, will continue for very long. I do not know. They may or may not. You cannot start amending the Constitution when an emergent situation arises.

SHRI INDRAJIT GUPTA: You are a very clever lawyer.

Clause 54—(*Amendment of article 366.*)

SHRI C. M. STEPHEN: I beg to move:

Page 18, line 3,—

for "Ordinance or provisions"

substitute—

"or Ordinance by the Government of any State or Union Territory or by any authority under it" (164)

SHRI H. R. GOKHALE: I beg to move:

Page 17,—

for line 40, *substitute*—

'(4A) "Central law" means any law other than a State law but does not include any amendment of this Constitution made under article 368;'. (658)

Page 18,—

after line 4, *insert*—

"(f) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law, not falling under sub-clause (e), and made by a State Government or the administrator of a Union territory or an officer or authority subordinate to such Government or administrator;". (659)

SHRI C. M. STEPHEN: The purpose of my amendment was to define the State law. As it is, a State law means all the laws passed by the legislature and whatever rules under notifications coming under it—which means that the rules and notifications coming under the Central law are treated as the Central law. Thousands of rules, notifications and orders will be issued by the State governments. For that purpose, everybody must come to Supreme Court. High Court has no jurisdiction. That is how it was framed; that is why I have moved this. Going through the amendment of Mr. Gokhale, my reading is that he has practically accepted that position, viz. that rules and notifications given by the State government, Union Territories and authorities thereunder, under any law, will be treated as a State law and that they can go to the High Court.

SHRI H. R. GOKHALE: I would not like a wrong thing to go on record as coming from me. The first thing is we have accepted the suggestion of Shri Stephen in my amendment to that extend that if the rules, notifications etc. are issued by the States under a Central law, then they can go to the High Court. But, so far as rules and notifications issued by the Central Government under a Central law are concerned, they cannot go.

SHRI C. M. STEPHEN: That is what I mean.

SHRI H. R. GOKHALE: The other amendment of mine is a definition of the "Central law".

MR. CHAIRMAN: So, I do not think there is any need for a reply to this. We will take up the next clause.

Clause 55 (*Amendment of article 368*)

SHRI SHANKERRAO SAVANT: I beg to move:

Page 18, line 14,

after "Act, 1976)" *insert*,—

"and no provision of the Constitution as it stood before or shall stand after the coming into force of the Constitution (Forty-fourth Amendment) Act, 1976" (347)

Page 18, lines 15 and 16,—

omit "except upon the ground that it has not been made in accordance with the procedure laid down by this article" (348)

PROF. S. L. SAKSENA (Maharajganj): I beg to move:

Page 18, lines 15 and 16,—

for "upon the ground that it has not been made in accordance with the procedure laid down by this article"

substitute—

"by a full Bench consisting of all the thirteen Judges of the Supreme Court by simple majority" (567)

SHRI P. R. SHENOY: I beg to move:

Page 18,—

(i) line 10,—

for "clause" *substitute* "clauses" (ii) *after* line 16, *insert*—

"(5) All the amendments made under this article before the commencement of section 55 of the Constitution (Forty-fourth Amendment) Act, 1976 shall be deemed to be valid notwithstanding any judgement by any court to the contrary." (269)

SHRI C. H. MOHAMED KOYA (Manjiri): I beg to move:

Page 18, lines 11 and 12,—

omit "(including the provisions of Part III)". (312)

Page 18,—

after line 16, *insert*—

"(5) Notwithstanding anything contained in this article no amendment of fundamental rights (excluding those specifically mentioned in the proviso thereof) made persuant to clause (1) shall be effective unless and until it is confirmed by a majority of those competent to elect the Lok Sabha and provided that no amendment shall be made that infringes, curtails or erodes the special safeguards or rights conferred directly or indirectly on the minorities, or the Scheduled Castes or the Scheduled Tribes or backward classes under Castes or the Scheduled the Constitution." (313).

SHRI H. R. GOKHALE: I beg to move:

Page 18,—

for lines 11 to 16, *substitute*—

"(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article (whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976) shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article." (593)

SHRI P. R. SHENOY: The new clause proposed to be inserted in article 368 reads:

"No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Fort-forth Amendment) Act, 1976) shall be called in question in any court except upon the ground that it has not been made in accordance with the procedure laid down by this article."

It does not speak of the amendments on which the Supreme Court has already given a decision. Two of the amendments made by Parliament have been declared to be void by the Supreme Court on the ground that they destroy the basic features of the Constitution. By this amendment we are not saying that those judgments of the Supreme Court are invalid. We say that in future the Supreme cannot question any amendment passed by Parliament, but the earlier judgment of the Supreme Court that the basic features of the Constitution cannot be changed still remains. We have not undone that judgment by this proposed amendment It is very necessary to say that Parliament has the power to change even the basic features of the Constitution. Otherwise, if we make an amendment in future, a party may go to the Supreme Court saying that it is a fraud on the Constitution, because that amendment may change the basic feature. So, if we do not pass a proper amendment now, we will only be giving scope for another amendment of the Constitution.

SHRI C. H. MOHAMED KOYA (Manjeri): Mr. Chairman, Sir, this clause is a Damocles' sword on the rights of the minorities conferred by the founding fathers. Even though the Law Minister has given assurance after assurance, not even one single sentence has been included about the rights of minorities in the Constitution. The other day, Mr. Ebrahim Sulaiman Sait moved a similar amendment which was rejected. I hope, this amendment will be accepted by the hon. Minister.

SHRI SHANKERRAO SAVANT: So far as amendment No. 347 is concerned, I entirely leave it to the Law Minister to see whether it is necessary to give the protection to the original provisions of the Constitution. I do not say anything further on that.

As far as Amendment No. 348 is concerned, I am very particular about it. By this Clause 55, we have enlarged the powers of the Supreme Court. As it is, at present, the Supreme Court cannot question the procedure adopted in Parliament. But here we have specifically given the powers to the Supreme Court to question the procedure adopted in Parliament. It is certainly contrary to the existing provisions of the Constitution.

There is article 122—Courts not to inquire into proceedings of Parliament. It is specifically stated:

> "(1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.
>
> "(2) No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers."

A similar provision is made in article 212 as regards the proceedings in the State Legislatures.

Here, you have specifically taken away the jurisdiction of the Supreme Court, the trying right of the Supreme Court in so far as the procedure adopted in Parliament is concerned. Now, you are specifically giving this power to the Supreme Court which will be opening the pandora's box. They can even challenge whether a particular person sitting in the chair was properly sitting there or not.

SHRI C. M. STEPHEN: The Law Minister has put an amendment to that. He has dropped those words.

SHRI H R. GOKHALE: Mr. Savant has not seen my amendment. I have already moved Amendment No. 593 to Clause 55 which reads:

> " *for* lines 11 to 16, *substitute*—
>
> "(4) No amendment of this Constitution (including the provisions of part III) made or purporting to have been made under this article [whether before or after the commencement of section 55 of the Constitution Forty-second Amendment) Act, 1976] shall be called in question in any court on any ground.
>
> (5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power to Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article."

MR. CHAIRMAN: It has been made perfectly clear.

SHRI SHANKERRAO SAVANT: If it is so, then it is all right. I need not say anything further on that.

PROF. S. L. SAKSENA (Maharajganj): This is a very important amendment. In fact, it is the most important clause in the whole Bill which seeks to take away the powers of the Supreme Court. My amendment reads like this: for "upon this

[Prof. S. L. Saksena]

ground that it has not been made in accordance with the procedure laid down by this article" substitute "by a full Bench consisting of all the thirteen Judges of the Supreme Court by simple majority"

The opposition parties have vehemently criticised Government amendments. This paper circulated for the National Seminar of opposition parties held on 16th October issued a Consensus in which it has condemned this provision as follows:

"The present Constitution places no impediment on genuine socio-economic reform and the Government has failed to point out a single measure that it has brought forward during past five years or would like to introduce in the future which could not or cannot be enacted and implemented, given the political will. Nor is it true to say that the doctrine of the sanctity of the "basic structure" of the Constitution propounded by the Supreme Court in the Keshavananda Bharati judgment has obstructed social and economic change. Indeed, the Supreme Court ruled in that case that the right to property is not a part of the 'basic structure of the Constitution. It is quite clear that the objective of the Government are very different and that the adoption of the 44th Amendment would in effect establish a constitutional dictatorship." It is pertinent to point out that the policies of the Government pursued so far have not helped the poor but the rich and led to the concentration of wealth.

It would be relevant in this connection to refer to certain of the other constitutional amendments made after the proclamation of the internal emergency on June 25, 1975. The 38th Amendment places even a malafide declaration of emergency beyond scrutiny of the Courts. The 39th Amendment, which was struck down by the Supreme Court, sought to place the Prime Minister's election beyond challenge even if it was obtained by resort to "corrupt practice". The 40th Amendment Bill, which has so far only been adopted by the Rajya Sabha, seeks to confer absolute and permanent immunity on the President, Vice-President, Prime Minister, Speaker and Governors against any proceedings even for criminal offences committed by them, either during their tenure of office or even prior to their assuming that office. Furthermore several draconian measures having a bearing on free and fair elections, individual liberties and democratic freedoms, and freedom of the Press have been given absolute constitutional immunity by their inclusion in the 9th Schedule of the Constitution."

So, I would say that if Parliament can pass such an amendment then it is the surest proof that the Parliament should not be entrusted with the proposed absolute powers. To pass this provision by your steamrotter majority is not proper. I say that this amendment must not be allowed to be passed. I am giving a warning to the House. The three organs—the Parliament, the Executive and the Judiciary, are equal and it is not proper to defy the Judiciary and the decisions given by the Judiciary in Keshwanand Bharati's case should not be defied. Again, I say that this amendment should not be passed. In fact the Parliament has no jurisdiction to pass this Bill and it will be struck down by the Supreme Court.

SHRI H. R. GOKHALE: Article 368 is certainly the most important article which we are seeking to amend. I have already given one amendment which seeks to remove the possible lacuna which was there in the original Bill with regard to the procedure to be followed for passing an amendment, and in that amendment I have deleted that portion, so that, on the ground of the

procedure being followed or not being followed, the Constitutional Amendment cannot be challenged.

My hon. friend has referred to the basic features and he has said that we have not specifically stated that we can amend the Constitution, including the basic features. First of all, we do not recognise anything like basic features. We do not accept theory of the Supreme Court that the basic features cannot be amended. That is why, in the amendment which we have given subsequently, we have said:

> "For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article."

With these two amendments, even the so-called basic features theory is taken care of.

Thirdly, about the possible objection which could be raised with reference to Central law, somebody arguing that an amendment under article 368 would be a Central law, that part of it has already been amended so as to make it clear that Central law will not include a law made by Parliament under article 368. All these difficulties which have been mentioned have now been removed because of the amendments.

So far as the amendment of Prof. S. L. Saksena is concerned, it is obvious that I will not accept it for the reasons which I have already given.

SHRI P. R. SHENOY: If we do not accept the verdict of the Supreme Court that the basic features cannot be destroyed by Parliament, will article 31C remain as it is?

SHRI H. R. GOKHALE: Only one part of article 31C was struck down by the Supreme Court—that part which said that 'when a declaration is made by a Legislature, not only by the Parliament but by a State Legislature, to say that a certain law is made in pursuance of the Directive Principles contained in article 39(b) and (c), as it was there at that time, that declaration will be conclusive'. Only this portion was struck down by the Supreme Court and that also not on the ground of basic features theory but on the theory that, virtually, power was given to the State Legislatures to amend the Constitution. And no attempt has been made to re-introduce those words in the present Amendment. But they have not been removed from here for two reasons. Firstly, we have to remove so many other provisions in the Constitution which have been struck down and which have continued to be there. It is obvious that such consequential amendments will have to be made separately Secondly, I may mention, as a matter of abundant caution, on account of the amendment which we have made retrospectively applicable so far as article 368 is concerned, it will be possible to argue that even this amendment to 31C which has been made is not invalid. Therefore, we have not removed it.

SHRI N. K. P. SALVE (Betul): There is one point on which I want to seek clarification. As a result of subclause 4 which is sought to be incorporated, the authority of the courts to review any of the provisions of the Constitution has been barred. That referred to Constitutional provisions, whether they were inserted earlier or they may be inserted subsequently. In view of that, I want to know from the Law Minister whether there is any doubt in his mind whether, in respect of some of the Constitutional provisions which we have made right from 1951 to 1976, which have been struck down by the Supreme Court, if some one worked upon the assumption that they were not struck down and would be treated as part of the Constitution in view of the provision not withstanding the earlier decision of the Supreme Court, it would be open to the Supreme Court to say that, since these provisions had been

[Shri N. K. P. Salve]

struck down at a time when this measure came in Parliament, they could not be revived by insertion of Clause 4.

SHRI H. R. GOKHALE: I do not know what the Supreme Court has said...

SHRI N. K. P. SALVE: What is your view?

SHRI H. R. GOKHALE: In our amendment of article 368, we have said clearly, 'whether made before or after the passing of this Act'. Therefore, obviously, we are covering all the amendments.

SHRI ANNASAHEB GOTKHINDE: In sub-clause (5) of the amendment circulated, it is said:

"For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power..".

Is it 'whatever' or 'whatsoever'?

SHRI H. R. GOKHALE: 'Whatever' is the word which is used in the Constitution.

Clause 55A (New)

SHRI HARI KISHORE SINGH (Pupri): I beg to move:

Page 18,—

after line 16, *insert*,—

55A. After article 368 of the Constitution, the following article shall be inserted, namely:—

"368A(1) Parliament shall have the power to constitute a Constitutional panel consisting of 25 members of Parliament to interpret the Constitution or decide any question of the constitutional validity of any law enacted by Parliament or State Legislature.

(2) Notwithstanding anything in the Constitution, neither the Supreme Court nor any other Court shall have any power or jurisdiction in respect of matters referred to in clause (1).

(3) Parliament may by law prescribe qualifications for the members of the panel which shall be requisite for appointment as members of the panel and the manner in which they shall be selected.

(4) The Panel shall determine their procedure and shall have such powers in the performance of functions as Parliament may by law confer on them." (202)

सभापति जी, मैं इस संशोधन के द्वारा संवैधानिक संशोधन की प्रक्रिया के मूलभूत सिद्धान्त की ओर आप का ध्यान दिलाना चाहता हूं इसलिये कि हमेशा सदन के अन्दर और बाहर यह बात नहीं गई है कि जो भी प्रगतिशील विधेयक यहां पारित किये जाते हैं वह कचहरियों में जा कर के, खास तौर पर हाई कोर्टस और सुप्रीम कोर्ट में रद्द हो जाते हैं जिस के कारण समाजवाद की दिशा में जो प्रगति होनी चाहिये वह नहीं हो पा रही है। इसलिये मैं अपने संशोधन के द्वारा सरकार से निवेदन करना चाहता हूं कि धारा 368 के बाद यह जोड़ दिया जाय :

after line 16, *insert*—

55A. After article 368 of the Constitution, the following article shall be inserted, namely:—

"368A (1) Parliament shall have the power to constitute a Constitutional panel consisting of 25 members of Parliament to interpret the Constitution or decide any question of the constitutional validity of any law enacted by Parliament or State Legislature.

(2) Notwithstanding anything in the Constitution neither the Supreme Court nor any other court shall have any power or jurisdiction in respect of matters referred to in clause (1).

(3) Parliament may by law prescribe qualifications for the members of the panel which shall be requisite for appointment as members of the panel and the manner in which they shall be selected.

(4) The panel shall determine their procedure and shall have such powers in the performance of functions as Parliament may by law confer on them."

सभापति जी, मैं इसलिये यह संशोधन पेश कर रहा हूं कि बार बार जो यह प्रश्न उठता है कि आखिर इस देश की जो प्रतिनिधि संस्था है जो जनता की आकांक्षाओं का प्रतिबिम्ब है यह संसद, इस के द्वारा जो पारित विधेयक है सुप्रीम कोर्ट को क्यों अधिकार दिया जाय उस के इण्टरप्रीटेशन का या उन को रद्द करने का या इस संवैधानिक संशोधन के द्वारा जो आप दे रहे है, जो संवैधानिक संशोधन की प्रक्रिया है उस प्रक्रिया के द्वारा हम ने संवैधानिक संशोधन किया है कि नहीं इस को जांचने का अधिकार हम सुप्रीम कोर्ट को नहीं देना चाहते। इस सम्बन्ध में मैं एक उद्धरण पेश करना चाहता हूं कि जब हमारा संविधान बन रहा था तब सरकार ने श्री बी०एन० राव को दुनिया के अन्य देशों में इसलिए भेजा कि वह जा कर के, घूम कर के अन्य देशों के बड़े बड़े लोगों से मिल कर के अपने संविधान के सम्बन्ध में कुछ राय लें। जस्टिस फ्रेंकफर्टर ने, जो कि अमरीका के बहुत बड़े विधि वेत्ता और जज माने गये हैं, उन्होंने श्री बी० एन० राव जी को कहा था, जो मैं उन्हीं की किताब से उद्धृत करना चाहता हूं :

'India's Constitution in the making'

"Justice Frankfurter considered that the power of judicial review implied in the due process clause, of which there is a qualified version in section 16 of the Indian draft Constitution, is not only undemocratic (because it gives a few judges the power of voting legislation enacted by the representatives of the nation) but also throws an unfair burden on the judiciary;"

17 hrs.

आज तक यह देखा गया है कि सुप्रीम कोर्ट या हाई कोर्ट अधिकतर धनवान व्यक्तियों के पक्ष में अपना निर्णय देते आये है। बहुत से प्रगतिशील विधेयकों, चाहे वह राज्य सरकारों ने पारित किये हों या संसद ने पारित किये हों, उन पर उनका मत विरोध में आया है। एक बार इसका फैसला हो जाना चाहिये। जब इतने बड़े सदन के द्वारा विधेयक पारित कर रहे है तो यह स्पष्ट रूप से कर दिया जाना चाहिये कि इस सदन, संसद को यह अधिकार है कि संसद के द्वारा पारित किये गये विधेयक विधान के अनुरूप है या इनकी जांच करने का अधिकार संसद द्वारा मनोनीत 25 सदस्यों को होगा जिनकी योग्यता, कार्य-प्रणाली यह संसद निर्धारित करेगी। मेरा आग्रह है कि विधि मंत्री इस पर गंभीरतापूर्वक विचार करें।

श्री एच० आर० गोखले गम्भीरतापूर्वक विचार किया है लेकिन यह अमेंडमेंट एक्सेप्ट नहीं किया जा सकता।

MR. CHAIRMAN: No amendment is moved.

Clause 57— (*Amendmendment of the Seventh Scheduled.*)

SHRI P. R SHENOY: I beg to move:

Page 19,—

after line 4, *insert*—

"17C Inter-State rivers." (19)

Page 19,—

after line 4, *insert*—

"17C. Inter-State rivers, canals and any other water courses." (20).

SHRI P. NARASIMHA REDDY: I beg to move:

Page 19,—

after line 4, *insert*—

"17C. Conservation and development of water, sail and other natural resources; drought and desert control." (224)

SHRI ARJUN SETHI (Bhadrak): I beg to move:

Page 18, line 42,—

after "11," *insert* "17," (226)

Page 19,—

after line 17, *insert*—

'(vi) after entry 47, the following entry shall be inserted namely—

"48. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I."' (227)

SHRI K. SURYANARAYANA (Eluru): I beg to move.

Page 19,—

after line 4, *insert*—

"17C. Inter-State Rivers;

17D. Electricity-generation and distribution." (245)

SHRI K. GOPAL (Karur): I beg to move:

Page 19,—

after line 4, *insert*—

"17C. Inter-State Water-Ways and irrigation." (246)

SHRI C. H. MOHAMED KOYA: I beg to move:

Page 18,—

after line 28, *insert*—

"2B—Population policy and family planning without resorting to any sort of compulsion or coercion." (314)

Page 19,—

omit lines 5 to 7. (315)

SHRI O. V. ALAGESAN: I beg to move:

Page 19,—

after line 4 *insert*—

"17C. Inter-state rivers; irrigation and water power projects with respect to such rivers." (334)

SHRI K. NARAYANA RAO: I beg to move:

Page 18, line 49,—

after "Courts" *insert*—

"and the tribunals," (359)

SHRI NATHURAM MIRDHA (Nagaur): I beg to move:

Page 18, line 28,—

add at the end—

'and (ii) for entry 56, the following entry shall be substituted, namely—

"56. Water (including the waters of or in any river or river valley the use, distribution, control, regulation and development of which by the Union is declared by Parliament by law to be expedient in the public interest)."' (419)

SHRI S. D. SOMASUNDARAM: beg to move:

Page 18,—

omit lines 22 to 28.

Page 18, lines 32 to 34,—

omit "or any other armed force o the Union or of any other force subject to the control of the Union o of any contingent or unit thereof (442).

Page 18, lines 37 and 38,—

omit "subject to the provisions of entry 2A of List I" (443)

SHRI N. S. SREEKANTAN NAIR: I beg to move:

Page 19,—

omit lines 8 to 13. (445)

SHRI INDRAJIT GUPTA: I beg to move:

Page 18, line 28,—

add at the end—

"at the request of the State Government concerned" (484)

Page 18, line 42,—

for "and 29" *substitute*, "29 and 46" (485)

Page 19, line 11,—

after "universities" *insert*—

", sports and physical culture" (486)

Page 19,—

after line 13, *insert*—

"25A. Agriculture including land reform, agricultural development and agricultural income tax." (487)

SHRI M. C. DAGA: I beg to move:

Page 19, line 10,—

after "including" insert "libraries," (558)

SHRI B. V. NAIK: I beg to move:

Page 19, line 3,—

after "forests" *insert*—

"and welfare of the traditional residents and inhabitants of forests" (606)

Page 19, line 4,—

(i) *for* "Protection" *substitute* "Conservation"

(ii) *add* at the end—

"and rare species of fish and other marine life" (607)

Page 19, line 7,—

add at the end—

"and ecological balance" (608)

SHRI K. LAKKAPPA (Tumkur): I beg to move:

Page 19,—

after line 13, *insert*—

"25A. Employment and the implementation of the right to work in all the States;

25B. Guarantee of gainful employment to the people." (614)

SHRI K. PRADHANI (Nowrangpur): I beg to move:

Page 19,—

after line 17, *insert*—

'(vi) After entry 38, the following entry shall be inserted, namely—

"38A. Irrigation."' (615)

SHRI PRIYA RANJAN DAS MUNSI: I beg to move:

Page 19,—

after line 4, *insert*—

"17C. Archaeological achievements and hidden treasure and ancient religious and historical monuments." (632)

SHRI SHIVNATH SINGH: I beg to move:

Page 19,—

after line 4, *insert*—

"17C. Utilisation of water, mineral and power resources of the Country." (640)

SHRI P. R. SHENOY: At present we are having too many inter-State water disputes and as a result no State is able to use the water to the required extent and a large volume of water flows into the Indian ocean. If we want to avoid these disputes, the subject of Inter-State Rivers should go to the concurrent list. There can be real integration in the country only when we take up things like linking the Ganga with the Godavari and Kavari or having Rajasthan canal. Therefore, I strongly.....

MR. CHAIRMAN: You want to put it in the Concurrent List.

I think this is a very simple matter. You say that this is what you want to be included.

Shri Narasimha Reddy, what is the subject which you want to be included in the Concurrent List?

SHRI P. NARASIMHA REDDY: I have suggested,

Page 19,—

after line 4, *insert*—

"17C. Conservation and development of water, soil and other natural resources, draught and desert control"

When we have taken Forest and Wild Life to the Concurrent List, it will be a pious wish if we do not take it to the Concurrent List as has been suggested by me.

MR. CHAIRMAN: Minister may please see attentively the points those are being made for reply.

SHRI ARJUN SETHI: My amendments are:

Page 18— line 42,—

after "11" *insert* "17,"

Page 19,—

after line 17, *insert*—

'(iv) after entry 47, the following entry shall be inserted namely—

"48. Water that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of list 1."' (227)

The reasons are obvious. Therefore, these should be included.

SHRI K. SURYANARAYANA (Eluru): I have moved this amendment in view of the importance of irrigation and power for the national economic development. 20-Point programme also laid a great stress on creation of irrigational facilities. Major and minor irrigation can provide potential power. 57 million hectare....

MR CHAIRMAN Why are you giving all this statistics? Your view is to include power and water.

SHRI K. SURYANARAYANA: This is a major thing.

MR. CHAIRMAN: The Minister will take note of your suggestion.

SHRI K. SURYANARAYANA: Sir, in the Fifth Plan, an addition of 6.2 million hectares has been planned and a provision of Rs. 2400 crores has been made for the purpose. A target of additional food production of 25 million tonnes has been fixed for the Fifth Plan. More than half of this production has to come from new areas to be brought under irrigation. This shows the importance of irrigation development to the rural economy. But these targets, I am afraid, cannot be achieved unless irrigation and together with it power are brought on the Centre's List or at least on the Concurrent List. The House is aware that the various

States are having disputes over the sharing of river waters and important projects aimed at increasing food production are being held up due to these disputes. The other day I have seen in the press that the Kerala Government has not attended the tribunal meeting on the scheduled day on 30-10-76 for hearing the disputes between the Tamil Nadu Government and the Government of Kerala.

MR. CHAIRMAN: You are a senior Member. I don't want to stop you. For heaven's sake, don't go on dealing with all subjects in the country like river disputes and all that. This amendment is only for the entry which you want to be included. That is all.

SHRI K. SURYANARAYANA: States like Andhra Pradesh are expressing their inability to go ahead with major irrigation projects for lack of funds. Recently in Andhra Pradesh, the Chief Minister had announced that due to lack of funds they could not build the Godavari Barrage whereas it was planned from 1965. Recently there was a breach in the old anicut which was constructed in 1852 The Central Government should give sufficient funds for the implementation of these projects. All these difficulties will be eliminated if irrigation and power, connected with inter-State rivers, are included in the Central or the Concurrent List.

SHRI K. GOPAL (Karur): My amendment speaks about Entry 17C, that is, inter-State waterways and irrigation. This is amendment to clause 57. I will not give reasons. If we go and tell the people that inter-State disputes have been solved, the people will feel happy and to do this, inter-State Waterways should be put in the Concurrent List. That is the purpose of my amendment. If the Minister does not accept the amendment, I request him to tell the reasons why he cannot accept it.

SHRI C. H. MOHAMED KOYA: I have grown wiser after the mishandling of the population control by the State Governments. The incidents at Muzaffarnagar are well known to the House. I am for sterilisation without coercion and without compulsion. It must be made a Central subject.

SHRI O. V. ALAGESAN: Mr. Chairman, you seem to be engaged in what is called a pre-emptive strike.

MR. CHAIRMAN: Which entry do you want to be included in the Concurrent List?

SHRI O. V. ALAGESAN: It is already there in the list of amendments. I want a new Entry 17C in the Concurrent List. It reads as follows:

'17C. Inter-State Rivers; irrigation and water power projects with respect to such rivers.'

MR. CHAIRMAN: The reasons are well known.

SHRI K. NARAYANA RAO: Mr. Chairman, Sir, a new Entry 11A is sought to be introduced in List III—Concurrent List—which reads as follows:—

"11A. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Courts."

Since you are going in a big way for the 'Tribunals', I wish that all the tribunals should be included and associated with the administration of justice so that that will instil confidence in the public.

श्री नाथू राम मिर्धा (नागौर) : सभापति महोदय, जिस दिन से कांस्टीट्यूशन अमेंडमेंट बिल की बात शुरू हुई मैंने इस प्वाइंट को हर स्टेज पर इस कमेटी के सामने, गोखले साहब के सामने और सारे देश के सामने कहता रहा हूं । आज इसको

[श्री बाबू राम विद्वी]

आखिरी दफा जोर देकर फिर कहना चाहता हूं। इस देश में कुछ नदियां है जो बहुत अच्छा पानी लेकर बहती है और कई राज्यों से पास होती है। अभी मौजूदा सिद्धान्त के मुताबिक उन नदियों का पानी उन्ही राज्यों में आपस की बातचीत से या आर्बिट्रेशन से या ट्रिब्यूनल से उपयोग किया जा सकता है और उसमें बहुत लम्बा समय लगता है। लाखों करोड़ों रुपया ट्रिब्यूनलस पर खर्च होता है। दस बारह साल तक मामला चलता है और निपटारा नही हो पाता है। इस बीच एक प्रोजेक्ट का खर्चा एक हजार करोड से बढ कर 12 हजार करोड तक पहुच जाता है। 25 साल से फेमिली प्लानिंग चली। सारे एफर्ट्स बेकार गए। उसके बाद सोचा कि सेंट्रल लिस्ट में लेकर देश के भविष्य के सुधार के बारे में सोचा जाये। मैं गोखले साहब से नम्रतापूर्वक निवेदन करना चाहता हूं कि जितना ही आप पानी के विवादों को निबटाने में देर करेंगे उतनाही मौजूदा पीढी का, आने वाली पीढियों का और देश का घाटा है। जितना पानी देश से बरसता है जो नदियों में बहता है वह कई राज्यों मे बिलकुल काम नही आ सकता। सारे राज्य उसको यूज कर रहे है उस के बाद भी वह सरप्लस है। उसके बाद भी पानी सरप्लस है जो बह कर समुद्र मे चला जाता हैं या ईवैपोरेट हो जाता है। जैसा मैंने पहली स्पीच में कहा था कि 400 मिलियन हेक्टर मीटर पानी मे के आज हम सिर्फ 60 मिलियन हेक्टर मीटर पानी काम में लेते है। अगर हम मैक्सिमम कोशिश करेंगे तो भी पचास साल में आकर बहुत तेजी से काम करने के बाद और सारे रिसोर्सेज को काम में लेने के बाद कुल मिलाकर 105 मिलियन हेक्टर मीटर पानी इस देश में सिंचाई और दूसरे कामों में इस्तेमाल कर सकेंगे। लेकिन ये जो विवाद है लगता है सो साल में भी पूरे नही होंगे जिसका नतीजा यह होगा कि इसमें जो हे आप समाजवाद शब्द लिख दें या और कोई शब्द लिख दें इस देश का कोई भला नहीं होगा। पानी जो कि सभ्यता की जड़ हैं उसके बिना समाज और देश का भला नहीं हो सकता हैं। इसलिये मैंने सुझाव दिया हैं कि एक तो सेवेंथ शेड्यूल की लिस्ट को अमेंड कर रहे है उसमें कानकरेंट लिस्ट का सब्जेक्ट बनाना चाहते है तो एन्ट्री 56 शब्दों को थोड़ा सा चेंज करना पडेगा। क्या शब्द रखें, वह मैंने लिख दिए है, उनको पढ कर मैं सदन का समय लेना नही चाहता हू। अगर आप पूरे मामले को हल करना चाहते है तो एक एन्ट्री को चेंज करने से पूरा मसला हल नही होगा, इसके लिए आर्टिकल 262 जो कि इस तरह के विवादों को निबटाने के लिए पार्लियामेंट की क्या पावर्स है उसके सम्बन्ध मे हैं उसके क्लाज (1) की जो शब्दावली है उसको पूरा बदलना पडेगा। उसकी शब्दावली मैं दे नही सकता हू क्योंकि वह आउटनाइड आफ दि स्कोप हो गया, आपने 262 को छेड़ा नही हैं। मैं उसको छेडकर जोडना चाहता था लेकिन वह आउटसाइड आफ दि स्कोप हो गया। अगर आप इस मसले को हल करन चाहते है और निपटाना चाहते है तो मैं आपसे प्रार्थना करूंगा कि एन्ट्री 56 को आप चेंज करे। आज देश के हालात बदल गये है, सेंटर की शक्ति बदल गई हैं और यह जो अहम मसले है जैसे जगल, वन्य जीवन, फेमिली प्लानिंग और सिंचाई जो देश की जड हैं—इनको आप जोड़ना नही चाहते हैं तो इसका कोई भी जवाब हमारे पास लोगों को समझाने के लिए नही होगा। आप कैसा जवाब देंगे उसको कितने लोग समझेंगे वह मेरे लिए कहना मुश्किल हैं। आर्टिकल 262 के क्लाज (1) की शब्दावली को पढ कर मैं सोचता हू समाप्त करू। जो मौजूदा प्रावधान हैं उस को नही पढूंगा, लेकिन जो बदलना है उस को ही आपके समक्ष पढूंगा—

Article 262 clause (1) should be worded like this;

"Parliament may by law provide for the settlement (whether by way of conciliation, arbitration, adjudication or otherwise of any dispute or complaint with respect to the use, distribution, control, regulation or development of water (including the water of, or in, any river valley)"

इसलिये पुरानी शब्दावली को हटा कर आर्टीकल 262(1) में नई शब्दावली को बदल दें। अगर आप हमारे इन दोनों संशोधनों को स्वीकार न करें तो हमें गहराई से सारे रीजन्ज समझायें और वे रीजन्ज हमारी समझ में हों नहीं सारे हिन्दुस्तान के किसानों को समझ में भी आने चाहियें।

मैं नम्रतापूर्वक निवेदन करना चाहूंगा कि कांस्टीट्यूशन का यह बहुत अहम अमेंडमेंट है, इसको आप अवश्य स्वीकार कर लें।

*SHRI S. D. SOMASUNDARAM: Mr. Chairman, Sir, Clause 57 of this Amending Bill seeks to transfer the subject of 'education' from the State list to the Concurrent list. I am speaking on my amendment which demands that 'education' be taken back to the State list.

I am at a loss to understand the urgency and the justification for transferring 'education' from the State list to the Concurrent List. It is common knowledge that in the Indian sub-continent people of diverse culture, civilisation, tradition and language are living. After Independence, the States have been reorganised on the basis of language and culture. This was done mainly with the objective of giving the people in the States an opportunity to develop themselves along with the development of their language, tradition and culture. Keeping this in mind, the founding fathers of our Constitution put 'education' in the State list.

In the United States of America and in the U.S.S.R. astonishing strides have been made in the field of education and that has been made possible because the Federal Government does not interfere in the administration of 'education' by the State Governments.

Here, if the Central Government interferes with 'education', I am sure that it will prove to be a stumbling block and a hurdle in the educational growth, acquisition of talent and knowledge. You have to draw the reins of a horse in the cart; but you have to give free reins to a race horse. Education is a race horse and you cannot afford to put the bridle to it. The State Government is the nearest organisation to assess the educational needs of the people in the State. It should continue to be in the State sphere. The Central Government cannot do everything on this earth; the Central Government cannot have everything under their control. If this is resorted, then it will retard the progress of education in our country.

On behalf of All India Anna Dravida Munnetra Kazhagam, I object to this amendment seeking the transfer of 'education' from the State list to the Concurrent List. I demand that 'education' should be retained in the State List.

SHRI N. SREEKANTAN NAIR (Quilon): Mr. Chairman, Sir, my amendment is to take away Education from the Concurrent list and put it back in the State list as it originally existed.

Sir, no reason has been adduced for making this change. There has been suggestion that Concurrent list must be expended but I am deadly

*The original speech was delivered in Tamil.

[Shri N. Sreekantan Nair]

against any expansion of the Concurrent list because it will erode the powers of the State legislature.

Further, Sir, the question of Education being brought on the Concurrent list is a very serious matter because the fanatics in North India want to impose Hindi on the rest of the people. By bringing Education to Concurrent list it will threaten the development of regional languages and by a simple majority they can impose Hindi on the whole of the country. Apart from this, Sir, Hindi has not developed as much as the other languages like Bengali, Tamil, Malayalam, etc.

SHRI M. RAM GOPAL REDDY (Nizamabad): Mr. Chairman, Sir, the hon. Member is using the words 'Hindi fanatics'. These words are unparliamentary.

SHRI N. SREEKANTAN NAIR: Amendments have been brought in to ban those who demand secession and other things.... (*Interruptions*)

श्री एम० राम गोपाल रेड्डी कोई हिन्दी का फेनेटिक नहीं है न नार्थ में है, न साउथ में है। ऐसा कहना सभा की मर्यादा के खिलाफ है और अगर कोई फेनेटिक है तो वह श्री श्रीकान्तन नायर हैं या न के दो चार साथी हैं।

MR. CHAIRMAN: You need not impute any motive; you can criticise any provision as you want.

SHRI N. SREEKANTAN NAIR: I am not imputing motive to anybody. The right to propagate for linguistic autonomy is not granted; that is being taken away. At least education must not be taken out of the concurrent list; it should be put back where it belongs.

श्री भान सिंह भौरा (भटिंडा) : चेयरमैन साहब, हमारे जो एमेंडमेंट्स नं० 484, 485, 486 और 487 हैं, इन को मैं मूव करता हूं। मैं समझता हूं कि 484 और दूसरे एमेंडमेंट्स बहुत साफ हैं और इन को आप देख लें लेकिन मैं एमेंडमेंट नं० 487 पर कुछ बातें कहना चाहता हूं। यह बड़ा इम्पोर्टेन्ट मामला है, बड़ा महत्वपूर्ण विषय है। मुझे यह पता चला था कि स्वर्ण सिंह समिति की जो रिपोर्ट थी, उस में यह रिकमेंड किया गया था कि एग्रीकल्चर और लैंड रिफार्म्स को कानकेन्ट लिस्ट में डाल दिया जाए। यह चीज इस बिल में नहीं आई और यह वापस क्यों ले ली गई, इस का पता नहीं है।

चैयरमेन साहब, आप भी इस स्वर्ण सिंह कमेटी के मेम्बर थे और गोखले साहब भी मेम्बर थे और आप को इस के बारे में पता होगा। मैं तो इतना कहना चाहता हूं कि हम को स्टेट्स का पता है कि वहां पर जो बड़े बड़े भू-स्वामी हैं, लैंडलोर्डस हैं, वे लैंड रिफार्म्स नहीं होने देते हैं। आप को पता है और हमारे सामने इस का इतिहास है कि आप ने जो लैंड सीलिंग एक्ट्स पहले बनाए, उन का इम्पलीमेंटेशन नहीं हुआ। क्यों आज तक उन का इम्पलीमेंटेशन नहीं हुआ है? इस का कारण यह है कि वहां पर स्टेट की सरकारों के बड़े-बड़े आफ़िसर्स बड़े-बड़े लैंडलार्डस हैं, मिनिस्टर्स लैंडलार्डस हैं और वे लोग लैंड रिफार्म्स नहीं होने देते। मैं आप को पंजाब की मिसाल देता हूं। वहां के जो लैंड रिफार्म्स के मिनिस्टर थे, उन्होंने वहां की एसेम्बली में जो लैंड सीलिंग एक्ट आना था, उस के दो दिन पहले अपनी लैंड का बेनामी ट्रान्सफर कर दिया। ऐसे मिनिस्टर को कैसे मिनिस्टर रखा जा सकता है, इस बात को आप सोचें। इस के बाद सारे हिन्दुस्तान में 30 जून लैंड रिफार्म्स की डेड लाइन रखी थी और यह कहा था कि बेचरों को घर मिल जाएंगे, वह डेड लाइन खत्म होने के बाद भी कोई इम्पलीमेंटेशन नहीं हुआ। जो आफिशियल मशीनरी है और लोअर

लेकिन पर जो आदमी हैं, व जो गाइडलाइन्स वहां से आती हैं, उन का इम्पलीमेंटेशन नहीं करते हैं।

इसलिए आपको चाहिए कि जो हमने लिखा है : 45A. Agriculture, including land reforms, agricultural income-tax.

इस को कानकरेन्ट लिस्ट में डाल दिया जाए। मैं यह बताना चाहता हू कि पजाब का जो लैंड रिफार्म्स एक्ट है, उस के बारे मे एक एम० पी० का बयान है कि

"Progress in land reform in Punjab is very slow."

दूसरो का भी ऐसा है।

[MR SPEAKER in the Chair]

मैं आपको कहना चाहता हू कि अरबन लेण्ड सीलिंग के बारे मे पजाब मे मम्बर पार्लियामेंट का भेजा गया है जिनका परसो के अखबार मे स्टेटमेंट है।

"Mr. Khan, however, asserted that if a large number of urban land owners in big cities of Amritsar, Ludhiana and Jullundur were exempted from the new urban land ceiling laws, the entire objective of the measure will be defeated"

अगर आप इन कानूनो को स्टेट की सरकारो पर छोड देगे तो जो लैंड-ओनर्ज से डोमिनेटिड सरकारे हैं वे इनको चलने नही देगी। उसका क्या नतीजा होगा, यह सबको पता है। इसलिए हमारी पार्टी ने माग की थी कि लेण्ड रिफार्म्स के बारे में जो कानून हैं उनको कंकूर्ट लिस्ट मे लाया जाना चाहिए। स्वर्ण सिंह कमेटी ने भी यह माग की थी। मैं ला मिनिस्टर से जोरदार माग करता हू कि वे इनको इस लिस्ट में लाएं। इस लिस्ट में लाने से कम से कम सेन्टर को तसल्ली होगा। इसलिए मैं अपनी अमेंडमेंट को सपोर्ट करता हू।

MR. SPEAKER: I think, as per the programme, it is time for voting. But I would suggest if the House agrees, that since we have only two more clauses, we can finish them before we go for voting. Then we will have the whole of tomorrow for third reading In the meanwhile I would request the Members to be brief while discussing their amendments so that within 15 or 20 minutes we can finish these two clauses and then take up voting.

SHRI JAMBUWANT DHOTE (Nagpur): I beg to move:

Page 19,—

omit lines 5 to 7 (562).

अध्यक्ष महोदय, हमारी वास्तविक शक्ति जनशक्ति है। हमारे देश की महान जनता, हमारे राष्ट्र की महान शक्ति महान ताकत है।

अध्यक्ष महोदय शरू मे मनष्य जीव जब पैदा होता है जन्म लेता है उस वक्त वह मनष्य जीव केवल पेट लेकर पैदा नही होता है। उस वक्त वह अपने पेट के साथ अपना मस्तिष्क भी लेकर पैदा होता है, अपने हाथ अपने बाहु लेकर पैदा होता है।

अध्यक्ष महोदय हम परिवार नियोजन की जो बाते कर रहे हैं, इस परिवार नियोजन के ऊपर हमारे देश का करोडो रुपया खर्चा हो रहे है। इस परिवार नियोजन के ऊपर हमारे देश की शक्ति खर्चा हो रही है व्यय हो रही है। यह सब व्यर्थ जा रही है। अध्यक्ष महोदय, प्रश्न सीधा सादा है। परिवार नियोजन कृत्रिम है और कृत्रिम होने की वजह से आज सारे देश मे अनैतिकता की लहर फैल रही है। हमने इस क्लाज 57 से कहा है कि सूची 17 के पश्चात् वन्य प्राणियो और पक्षियो की रक्षा शब्द जोड दिए जाए और उसी के साथ-साथ उसी के नीचे 20क में हम कहते हैं जन सख्या नियत्रण और परिवार नियोजन। आज एक सुदृढ समाज का हमें निर्माण करना है सुदृढ शरीर वाले लोग पैदा करके उन में सुदृढ मन निर्माण करने की क्षमता

[Shri Jamburwant Dhote]

वाले लोग हों यह हमारी कामना है। लेकिन परिवार नियोजन के पीछे आपकी जो भावना है वह केवल आर्थिक है, आर्थिक प्रश्न ही उसके साथ आपने जोडा है। सवाल साफ है। जब आप इस देश की जन संख्या कम करोगे, उसके ऊपर रोक लगाओगे तो फिर हमारी सरकार को प्लानिंग करने की क्या जरूरत है। प्रश्न सरल है। परिवार नियोजन के पीछे नोबल रिपन्टि हो सकती है ऊचा आदर्श हो सकता है, लेकिन जो आसार देश में आज दिखाई दे रहे है जो वातावरण और जो चीज देखने में आ रही है वह उतनी ही बुरी है, बहुत ही बुरी है। जबर्दस्ती लोगों के मथ की जा रही है। परिवार नियोजन को हम अपने देश की जनता के उपर लाद रहे हैं। जनता की भावनाओ, धार्मिक भावनाओं, सामाजिक भावनाओ का हम अनादर कर रहे हैं, उनको ठेस पहुचा रहे हैं। शासन के लिए विचार करना बहुत जरूरी है कि क्या हम अनैतिक समाज का अपने देश में निर्माण करना चाहते हैं। फडेमेंटल ड्यूटीज में जहा हमने कई आदर्शो की बात की है, जहा हम कहते हैं कि उनको पूरा करने से आदर्श समाज का हम निर्माण करना चाहते हैं वहा आप परिवार नियोजन की बात भी करते हैं, उसके ऊपर आप करोडों रुपया भी खर्च कर रहे हैं और लोगो के साथ जो जबर्दस्ती भी कर रहे हैं। लोगों को बदूक की नोक पर सगीन की नोक पर परिवार नियोजन के लिए बाध्य किया गया है, कई परिवारों को ऐसा करके उजाड दिया गया है। एक मिसाल मेरे पास आई है। एक गांव के आदमी को जबर्दस्ती पकड कर ले गए। उसको आप्रेशन थेटर में ले गए। वह बहुत घबराया हुआ था। उसका आप्रेशन करने के लिए उसको आप्रेशन टेबल पर रखा गया। उसको जैसे ही मौका मिला वह अपने कपड़े छोड छाड़ कर उस आप्रेशन थेटर से भाग गया। मैं प्रार्थना करता हूं कि इस प्रश्न पर आप बहुत ही गम्भीरता के साथ विचार करें। यदि गम्भीरता के साथ इस पर आपने विचार नहीं किया और इस चीज को टाल दिया तो इसके भयानक नतीजे निकलने वाले हैं हम आर्थिक क्रान्ति, वैज्ञानिक क्रान्ति, वैज्ञानिक समाजवाद के लिए लालायित हो सकते हैं वर्गविहीन समाज व्यवस्था में जो आर्थिक क्रान्ति हम लाना चाहते हैं आर्थिक क्रान्ति के बारे में हमने आबजैक्ट्स एंड रीजन्स में कहा है और इस संविधान के संशोधन में और अपने संविधान के प्रीयम्बल मे हमने कहा है कि सेक्युलर सोशलिस्ट समाज हम लाना चाहते हैं तो मैं समझता हू कि उस आर्थिक क्रान्ति को लाने के रास्ते में इस परिवार नियोजन की वजह से बहुत कुछ दिक्कते आ रही हैं, बाधायें पैदा हो रही है। मैं समझता हूं कि आर्थिक क्रान्ति को साइड ट्रेक करना है तो लोगों की भावनाओ को भडका कर, लोगों को डडे के बलबूते पर परिवार नियोजन की कृत्रिम योजना को लोगो पर आप लादें। लेकिन अगर आपने ऐसा किया तो देश मे धार्मिक और सामाजिक उथल पुथल होने की सम्भावना है, बगावत होने की सम्भावना है और जो आपने मीसा, डी०आई०आर०, प्रिवेंटिव डिटेंशन एक्ट आदि जितने भी कानून बनाये है वे कोई काम नही देंगे। आप यह जो कृत्रिम कल्पना है इसके ऊपर करोडों रुपया खर्च कर रहे हैं। जिसके ऊपर सारी शक्ति लगा रहे हैं और लोगो को डडे के बल पर परिवार नियोजन के लिये बाध्य कर रहे हैं। मेरा सरकार से निवेदन है कि प्रीएम्बिल मे आपने सोशलिस्ट रिपब्लिक रखा है, और ऐम्स और आबजेक्ट्स में समाजवादी क्रान्ति और सामाजिक तथा आर्थिक क्रान्ति की बात कही है, इसलिये इन बातों को ध्यान में रखते हुए, कम से कम देश के लोगों की भावनाओं को देखते हुए इस देश में परिवार नियोजन की कल्पना को तोड़ डालना चाहिये, और कम से कम संविधान में से परिवार नियोजन की कल्पना को निकाल देना चाहिये। इसी आशय का मेरा 562 नम्बर का संशोधन है।

श्री शिव चंद्रन लाल झुम्मी : अध्यक्ष महोदय, मेरा संशोधन केवल इतना सा है कि जिस प्रकार शिक्षा को आप कानकरेंट लिस्ट में ले आये हैं उसी प्रकार आर्टिकिल 246 में जो स्टेट लिस्ट का जिक्र है और स्टेट लिस्ट की 12 नम्बर की ऐन्ट्री में जो ऐशियट और हिस्टारिकल मौन्यूमेंट्स का बन्दोबस्त था उनके साथ अर्कियालाजिकल ऐवीनमेंट्स, हिडन ट्रेजर और ऐशियेंट रेलीज्स और हिस्टारिकल मौन्यूमेंट्स सब को स्टेट लिस्ट के बजाय कानकरेंट लिस्ट में ले आया जाय ताकि ऐतिहासिक दस्तावेजों का लाभ सम्पूर्ण देश को हो और इनका प्रबन्ध अच्छी तरह से हो।

श्री शिवनाथ सिंह : अध्यक्ष जी, मेरा संशोधन है कि सातवें शेड्यूल की कानकरेंट लिस्ट मे यह भी जोड दिया जाय·

"Utilisation of water, mineral and power resources of the country".

मैं निवेदन करना चाहूगा कि यह तीनों चीजे प्रकृति की देन हैं। प्रान्तों की सीमाये अप्राकृतिक हैं, लेकिन जो प्राकृतिक सम्पदाये हैं उनका उपयोग सारे देश के विकास के लिये हो, और यह तभी हो सकता है कि जब आप इनको कानकरेंट लिस्ट मे रखे। तभी सेन्ट्रल गवर्नमेंट और पार्लियामेट इस बारे में कानून बना सकती है। इन प्राकृतिक सम्पदाओं का उपयोग अच्छी तरह से हो इसलिये आवश्यक है कि इनको कानकरेंट लिस्ट मे रखा जाय।

श्री भूल चन्द डागा : अध्यक्ष महोदय, सातवे शेड्यूल की दूसरी लिस्ट में आप ने सारे ऐजूकेशन के सबजेक्ट्स को ले लिया, लेकिन लाइब्रेरीज को छोड दिया, जबकि यह नेशनल पौलिसी थी और स्वयं शिक्षा मंत्री ने इस सदन में यह बात कही थी कि नेशनल लाइब्रेरी पौलिसी बननी चाहिये। देश के हित के लिये इन लाइब्रेरीज को आप कानकरेंट लिस्ट में ले लीजिये। सारा हाथी तो आप ने ले लिया लेकिन उसकी पूंछ छोड़ दी। बगैर पूछ के हाथी बेकार रहेगा। इसलिये मेहरबानी करके आप लाइब्रेरीज को भी ले लीजिये।

SHRI H. R. GOKHALE: The amendments that were mentioned just now by hon. Members pertain mostly to include some more entries in the Concurrent List and particular reference was made to subjects like agriculture, electricity, water resources and so on. Now there is no doubt that all these are very vital and important subjects for the development of the country. But I think, it is not right to approach this matter without taking into consideration the feeling of the States. Afterall, in the Parliament although we have got the right to do everything, our attitude should not be such as to impose something on the States. Most of the matters which have been included in the Concurrent List now, have been the result of some kind of an informal discussion with the States; and afterwards also, the ratification by the States should be obtained in respect of these matters, i.e. those like water resources for example. I am sure that Babuji is here; he is doing his best to solve many of these problems my mutual consultation between the rival parties. And in some respects, there is some hope that we are making progress, because some agreements have also been arrived at. In these respects, therefore, it is not necessary, in my view, to go ahead with these subjects being included in the Concurrent List at this stage. If at any stage later on, we think that the States can be brought round to the view that they should be brought under the Concurrent List, it is always open to us to consider this matter. Therefore, not because the points raised by the hon. Members were not important or weighty, but taking into account all practical and relevant considerations, I am not able to accept the amendments.

Mr. Daga is very excited about libraries. He thinks that Education

[Shri H. R. Gokhale]

will not include libraries. Then why not hostels? We could have everything included in this Concurrent List. Now, Education, and everything pertaining to the question of Education is deemed to be included in the list under the entry Education. I have already mentioned agriculture, electricity and water resources.

SHRI INDRAJIT GUPTA: The Swaran Singh Committee has recommended that Agriculture be put in the Concurrent List. My colleague wanted to know why it was withdrawn later on. (*Interruption*).

SHRI H. R. GOKHALE: The Swaran Singh Committee recommended it because they rightly regarded, as some of us feel, that Agriculture is an important subject. Obviously they did not intend that anything in these matters will come to the Concurrent List by way of imposition on the States. They also contemplated that by their suggestion, there will be a greater consultation with the States; and if possible, Agriculture also considered. It could not mean that you should do it without the States being consulted.

SHRI PRIYA RANJAN DAS MUNSI: Historical monuments, archaeological achievements and hidden treasures are factors more relevant to the whole country now. How can we keep them in the State List now, if we keep Education in the Concurrent List?

SHRI H. R. GOKHALE: I think we can consider this at the appropriate time.

MR. SPEAKER: Now discussion on clause 57 has concluded. We take up clause 58. There are two amendments. There are no Government amendments. Shri S. N. Misra is not present; and Shri Shankar Dayal Singh is also not present. So, none of the amendments has been moved. We now come to Clause 59.

Clause 59—(*Power of the President to remove difficulties.*)

SHRI SHANKERRAO SAVANT: I beg to move:

Page 20,—

after line 28, insert—

"Provided further that any order promulgated by the President adapting or modifying any provision of the Constitution under clause (1) above shall not be construed as an amendment of the Constitution under article 368 and shall not be called in question in any court." (99)

SHRI HARI KISHORE SINGH: I beg to move:

Page 20,—

for clause 59 substitute—

"59. (1) The President may, by order, make such provisions, including any adaptation or modifications of any provision of the Constitution, as appear to him to be necessary or expedient for the purpose of removing the difficulty.

(2) Parliament may make such laws and provisions, including such adaptations or modifications of any provision of the Constitution as may become necessary for the purpose of removing difficulty or difficulties." (203)

Page 20,—

omit lines 27 and 28. (204)

Page 20,—

omit lines 29 and 30. (205)

SHRI INDRAJIT GUPTA (Alipore): I beg to move:

Page 20, lines 23 to 26,—

for "the President may by order, make such provisions, including any

adaptation or modification of any provision of the Constitution, as appear to him to be necessary or expedient for the purpose of removing the difficulty."

substitute:—

"Parliament may make such provisions, including any adaptation or modification of any provision of the Constitution as appear to be necessary for the expedient purpose of removing the difficulty." (488)

SHRI K. MAYATHEVAR: I beg to move:—

Page 20,—

for clause 59, *substitute*—

"59. If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act, Parliament may make suitable legislations for the purpose of removing the difficulty." (543)

PROF. S. L. SAKSENA: I beg to move:

Page 20, line 27,—

for "two years" *substitute* "three months" (569)

SHRI SHANKAR DAYAL SINGH: I beg to move:

Page 20, line 29,—

for "as soon as may be" *substitute* "within six months" (570)

SHRI PRIYA RANJAN DAS MUNSI:—I beg to move:

Page 20,—

for lines 29 and 30, *substitute*—

"(2) Every order made under sub-section (1) shall, within 3 months of such order, be placed before both Houses of Parliament and must be approved by a simple majority." (589)

SHRI M. C. DAGA: I beg to move:

Page 20,

for lines 19 to 26, *substitute*—

"59. (1) If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions of the Constitution as they stood immediately before the date of the President's assent to this Act to the provisions of the Constitution as amended by this Act) Parliament may by resolution or law make such provisions including any adaptation or modification of any provision of the Constitution as appear necessary or expedient for purpose or removing the difficulty." (609)

SHRI RAM CHANDRA VIKA (Baghpat): I beg to move:

Page 20,—

for lines 29 and 30,, *substitute*—

"(2) Every order made under clause (1) shall, after it is made, be laid before each House of Parliament and shall be got approved by each House and in case it is modified by the House, it shall come into force with such modifications." (626)

Page 20 line 30,—

add at the end—

"and got approved by a simple majority" (627)

SHRI O. V. ALAGESAN: I beg to move:

Page 20,—

for Clause 59, *substitute*—

"59. If any difficulty arises in giving affect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions of the Constitution

[Shri O. V. Alagesan]

as they stood immediately before the date of the President's assent to this Act to the provisions of the Constitution as amended by this Act) Parliament may by law make such provisions, including adaptation or modification of any provision of the Constitution, as appear necessary or expedient for the purpose of removing the dicculty." (633)

SHRI ANNASAHEB GOTKHINDE: I beg to move:

Page 20, line 27,—

for "two years" *substitute* "one year" (648)

SHRI BISWANARAYAN SHASTRI (Lakhimpur) I beg to move:

Page 20, line 30,—

add at the end—

"within a period of six months" (650)

श्री झारखंडे राय (बोसी) : अध्यक्ष महोदय, धारा 59 में यह प्रावधान किया गया है: "राष्ट्रपति, आदेश द्वारा, ऐसे उपबन्ध कर सकेगा, जिसके अन्तर्गत संविधान के किसी उपबन्ध का अनुकूलन या रूपभेद भी है, जो वह ऐसी कठिनाई को दूर करने के प्रयोजन के लिए आवश्यक या समीचीन समझे।" हमारी पार्टी का संशोधन यह है कि इसके स्थान पर ये शब्द रख दिये जाये : "ससद् ऐसे उपबन्ध कर सकेगी जिसके अन्तर्गत संविधान के किसी उपबन्ध का अनुकूलन या रूपभेद भी है, जो वह ऐसी कठिनाई को दूर करने के समीचीन प्रयोजन के लिए आवश्यक समझे"।

इस पूरे संशोधन विधेयक की सब से बड़ी खामी यह है कि इसके द्वारा सत्ता का भयंकर रूप से केन्द्रीयकरण किया जा रहा है। इसके परिणामस्वरूप आज गांधी जी का वह सपना पूरी तरह से चूर-चूर होने जा रहा है कि हिन्दुस्तान में ग्रामराज्य होगा और सत्ता का विकेन्द्रीकरण होगा। इसलिए मैं चाहता हूं कि मंत्री महोदय इस संशोधन पर सत्ता के विकेन्द्रीकरण के दृष्टिकोण से विचार करें। अगर इस धारा में "राष्ट्रपति" के स्थान पर "संसद्" रख दिया जाये, तो यह गांधी जी के सत्ता के विकेन्द्रीकरण के आदर्श के ज्यादा अनुरूप होगा और संसद् की सार्वभौम सत्ता अधिक पुष्ट होगी।

MR. SPEAKER: I think hon. Members can talk on this during the third reading because this is a general clause.

PROF. S. L. SAKSENA: This clause has attracted international attention Shri Gokhale was hard put to answer the questions raised by critics in USA and Britam The clause, as it stands reads:

"If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions of the Constitution as they stood immediately before the date of the President's assent to this Act to the provisions of the Constitution as amended by this Act), the President may, by order, make such provisions including any adaptation or modification of any provision of the Constitution, as appear to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of such assent."

There is no reason for the removal of difficulties taking such a long time. What I have said in my amendment is that the period should be "three months" instead of "two years". I think three months would be quite enough to overcome such difficulties. We should not give such a long time

to the President to amend the Constitution for removing difficulties. The period should be much shorter, say, three months.

SHRI H. R. GOKHALE: I have already spoken before with regard to the real scope of Clause 59 of the Bill. I have stated that the power given to the President is not the power to make any substantive amendment to the Constitution. As the clause itself mentions, it is with a view to giving effect to the provisions of the Constitution.

Moreover, the general criticism which has been made is misplaced, that it will be utilised by the executive to amend such things which do not come within this clause. That is misplaced because the clause does not permit any such amendment which is substantive. The usual safeguard that any such amendment which will be made will be placed before the House is already there in the clause itself. One amendment which says that it will be regarded as an amendment under article 368 is also misplaced. This is obviously not an amendment under article 368.

MR. SPEAKER: The discussion on Clause 59 is over.

Clause 1—(*Short title and Commencement*).

MR. SPEAKER: Shri Nimbalkar — not present.

SHRI H. R. GOKHALE: I beg to move:—

Page 1, lines 3 and 4,—

for "(Forty-fourth Amendment)", substitute—

"Forty-second Amendment)" (548).

Enacting Formula

MR. SPEAKER: There is no amendment.

SHRI JAMBUWANT DHOTE: I beg to move:—

Page 1,—

in the Long title—

for "Constitution of India" *substitute*—

"Bharat Ka Sanvidhan" (401).

अध्यक्ष महोदय, अंग्रेज साम्राज्यवादियों ने हमारे देश में कम ज्यादा डेढ सौ साल तक हुकूमत की, हमको गुलाम रखा। आजादी के महान संग्राम में इस देश के क्रान्तिकारियों ने और देश की महान जनता ने अंग्रेज साम्राज्यवादियों को इस देश के बाहर खदेड़ दिया, देश को आजाद किया। अंग्रेज इस देश से चले गये लेकिन कई बातें यहां पर रख कर चले गये। अंग्रेजी और अंग्रेजी की बातें बहुत सारे पैमाने में रख कर गये। गौरी शंकर को कहेंगे एवरेस्ट, गंगा को कहेंगे गन्जेज, सिन्ध को कहेंगे इण्डस, बम्बई को कहेंगे बाम्बे, पिता जी को कहेंगे डैडी और पांडेय जी को कहेंगे पंडा जी।

तो दिल्ली को हम दिल्ली न रख कर डेल्ही करें। ऐसे ही इंडिया जो शब्द है मेरे ख्याल से इंडिया शब्द का कोई मतलब नहो है। हमारा देश भारत देश है और यह भारत नाम हम ने इसका अपनाया है। ऐसी अवस्था मे कास्टीट्यूशन आफ़ इंडिया यह जो टाइटिल है इसे बदल कर भारत का सविधान उसको अंग्रेजी में मेशन करें। इंडिया शब्द अंग्रेजी की देन है, अंग्रेजी हुकूमत की देन है उसको निकाल कर कांस्टीट्यूशन आफ़ इंडिया की जगह अंग्रेजी में ही भारत का सविधान इसके बाद कहा जाय और यही मेरा संशोधन है जो मैंने एक मिनट में आपके सामने रखा है।

SHRI H. R. GOKHALE: The present title is adequate and, according to me, there is no need to change it.

18 hrs.

MR. SPEAKER: Now, before we take up voting on the Clauses, I may inform the House that I find that out of 59 clauses of the Bill, 11 clauses, namely clauses 2 to 12 have already been voted upon and disposed of. That leaves 48 clauses to be put to vote. There may be division on some amendments also. Therefore, in view of the very large number of divisions involved, I propose to put the clauses together to the vote of the House in accordance with Rule 155. If any hon. Member wants any particular clause or clauses to be put separately, I shall put that separately. Amendments to individual clauses will, of course, be disposed of as usual before the concerned clauses are put to vote.

SOME HON. MEMERS: Yes, yes.

MR. SPEAKER: So, on this understanding, we shall proceed with the voting.

Clause 13

MR. SPEAKER: Now, let me put the amendments to clause 13 first to the vote of the House.

There is no Government amendment to this clause. So, I shall put all the amendments to clause 13 together to the vote of the House.

Amendments Nos. 207, 255, 338 and 388. were put and negatived.

Clause 14

MR. SPEAKER: There are no Government amendments to clause 14. So, I shall put all the amendments to this clause together to vote.

Amendments Nos. 85, 324 and 461 were put and negatived.

Clause 16

MR. SPEAKER: There are no amendments moved to clause 15. There is one amendment which has been moved to clause 16, namely amendment No. 8 by Shri Bibhuti Mishra, which I shall put to vote first. Amendment No. 8 was put and negatived.

MR. SPEAKER: I shall now put Clauses 13, 14, 15 and 16, together to the vote of the House ...

SHRI P. G. MAVALANKAR (Ahmedabad): Let clause 13 be put separately.

MR. SPEAKER: Mr. Mavalankar, I think, you are the only person against. Why press it? Your negative vote will be recorded....

SHRI P. G. MAVALANKAR: I do not mind. You can do so.

MR. SPEAKER: I shall now put Clauses 13, 14, 15 and 16, together to the vote of the House...

SHRI P. G. MAVALANKAR: Having said 'no' to Clause 13, have do I vote for the remaining Clauses? I will have this difficulty if you put all the Clauses together. There are several Clauses on which I want to record my dissenting vote.

MR SPEAKER: Yes, you have given a list. On Clauses 13, 17, 20, 23, 38, 43, 48, 50, 55 and 59, you want to give your dissenting vote. The way out in such a situation is this. On all these Clauses, your negative vote will be recorded On the others, you can vote as you like in the division.

PROF. S. L. SAKSENA *rose*—

MR. SPEAKER: Wherever you want your special vote to be recorded, you can tell me; it will be recorded accordingly.

PROF. S L. SAKSENA: I am opposing all the Clauses.

MR. SPEAKER: I shall now put Clauses 13, 14, 15 and 16, together to the vote of the House.

The question is:

"That Clauses 13, 14, 15 and 16 stand part of the Bill".

The Lok Sabha divided:

Division No. 17]

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutlen Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dharia, Shri Mohan
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri

Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivun Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalmgarayar, Shri Mohanraj
Kalyanasundaram, Shri M.

Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram

Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasik Lal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri

Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimba
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shankar Dayal
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishor
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.

Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tayyab Husain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijya Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

MR. SPEAKER: The result* of the Division is as follows:—

Ayes: 361
Noes: Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clauses 13 to 16 were added to the Bill.

Clause 17

MR. SPEAKER: I shall put amendment No. 652 moved by Shri H. R. Gokhale to the vote of the House.

The question is:

"page 5,—

for lines 37 to 39, *substitute*—

(2) The amendments made by sub-section (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause" (652)

Those in favour may say 'ayes'; those against may say noes.

SOME HON. MEMBERS: Ayes.

PROF. S. L. SAKSENA: No.

MR. SPEAKER: The ayes have it; the ayes have it; the motion is adopted.

The motion was adopted.

MR. SPEAKER: I shall now put amendment No. 462 moved by Shri S. M. Banerjee to the vote of the House.

The question is:

"Page 5,—

for clause 17, *substitute*—

17. In article 83 of the Constitution, for clause (2) the follow-

*(i) The result of this division is applicable to each of the Clauses 13, 14, 15 and 16 separately.

(ii) The following members also recorded their votes.

AYES: Sarvashri Kartik Oraon, V. B. Tarodekar, Kushok Bakula, R. G. Tewari, Ram Prakash, Shashi Bhushan and Genda Singh;

NOES: Prof. S. L. Saksena.

(iii) Shri P. G. Mavalankar recorded his vote for NOES in respect of clause 13.

[Mr. Speaker]

ing shall be substituted, namely:—

(2) The House of the People, unless sooner dissolved, shall continue for a period of not less than five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House." (462)

The Lok Sabha divided:

Division No. 18] [18.12 hrs.

AYES

Banerjee, Shri S. M.
*Basappa, Shri K.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Dhote, Shri Jambuwant
Gupta, Shri Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kamble, Shri N. S.
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
Manjhi, Shri Bhola
Mukerjee, Shri H. N.
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo
*Patil, Shri E. V. Vikhe
Reddy, Shri Y. Eswara
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar
Vijay Pal Singh, Shri

NOES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendra
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh

*Wrongly voted for AYES.

Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri

Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.

Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.

Ishaque, Shri A. K. M.

Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri

Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.

Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri

Oraon, Shri Kartik
Oraon, Shri Tuna

Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal

Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri

Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

MR. SPEAKER: The result* of the division is: Ayes 27; Noes 339.

The motion was negatived.

MR. SPEAKER: I will put all other amendments to clause 17 to vote.

Amendments Nos. 9, 30 and 109 were put and negatived.

MR. SPEAKER: The question is:

"That clause 17, as amended, stand part of the Bill."

The Lok Sabha divided:

---

*The following Members also recorded their votes:

AYES: Prof. S. L. Saksena and Shri K. M. Madhukar;

NOES: Sarvshri Genda Singh, K. Basappa and E. V. Vikhi Patil.

Division No. 19] [18.14 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Dashchowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri

Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhote, Shri Jambuwant
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar

Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao

Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Hedaoo, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageshwara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati

Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri, K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.

Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Gupta, Shri Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Mukerjee, Shri H. N.
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo
Reddy, Shri Y. Eswara
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar
Vijay Pal Singh, Shri

MR. SPEAKER: The result* of the Division is: Ayes: 342 Noes: 25

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18

MR. SPEAKER I will now put amendment No. 256 to clause 18 to vote.

Amendment No. 256 was put and negatived

Clause 19

MR. SPEAKER: There are no amendments.

Clause 20

MR. SPEAKER: I will put all the amendments to clause 20 to vote.

Amendments Nos 10, 111, 112, 113, 218, 307, 410, 411, 463 and 464 were put and negatived.

Clause 21

MR. SPEAKER: I will now put amendment No. 446 moved by Mr. Gokhle to vote.

The question is:

Page 6 *for* lines 30 and 31, *substitute*—

"of each House shall be those of that House, and of its members and committees, at the commencement of section 21 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of Parliament from time to time." (446)

The was motion was adopted.

MR. SPEAKER: I will put the rest of the amendments to clause 21 to vote.

Amendments Nos. 59, 114, 339 and 465 were put and negatived.

Clause 22

MR. SPEAKER: I will put amendment No. 561 of Mr. Dhote to vote.

*The following Members also recorded their votes:

AYES: Sarvshri S. B. Patil, A. K. Kotrashetti, R. G. Tewari, A. Shafee and Genda Singh:

NOES: Shri P. V. Mavalankar.

Amendment No. 581 was put and negatived.

Clause 23

MR. SPEAKER: I will put all the amendments to clause 23 to vote.

Amendments Nos. 60, 87, 88, 115, 116, 301, 574 and 583 were put and negatived

Clause 24

MR. SPEAKER: I shall put amedment No. 584 to clause 24 moved by Shri Priya Ranjan Das Munsi to the vote of the House.

Amendment No. 584 was put and negatived.

Clause 25

MR. SPEAER I shall now put all the amendments to Clause 25 together to the vote of the House.

Amendments Nos. 61, 89 and 611 were put and negatived.

Clause 26

MR SPEAKER: I shall put amendments No. 62 and 63 to clause 26 moved by Prof S. L. Saksena to the vote of the House.

Amendments Nos. 62 and 63 were put and negatived.

MR. SPEAKER: There is no amendment to Clause 27.

Clause 28

MR. SPEAKER: I shall put amendments No. 64 and 466 moved to clause 28 by Prof. S. L. Saksena and Shri Ramavatar Shastri to the vote of the House.

Amendments Nos. 64 and 466 were put and negatived.

Clause 29

MR. SPEAKER: I now come to clause 29. There is a Government amendment No. 653.

The question is:

Page 8, line 28,—

after "(a) *insert* "in clause (2),". (653).

The motion was adopted.

Clause 30

MR. SPEAKER: I now come to Clause 30. There is a Government amendment No. 654.

The question is:

Page 9,—

for lines 9 to 11, *substitute*—

"(2) The amendments made by sub-section (1) to clause (1) of article 172 shall also apply to every Legislative Assembly (including the Legislative Assembly of the State of Kerala) in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of such Assembly under the proviso to that clause." (654).

The motion was adopted.

MR. SPEAKER: I shall put amendment No. 467 moved by Shri Ramvatar Shastri to the vote of the House.

Amendment No. 467 was put and negatived.

MR. SPEAKER: There are no amendments to Clauses 31 and 32.

Clause 33

MR. SPEAKER: I shall now put all the amendments to Clause 33 together to the vote of the House. There is no Government amendment.

Amendments Nos. 65, 468, and 469 were put and negatived.

Clause 34

MR. SPEAKER: I come to Clause 34. There is a Government amendment No. 447.

[Mr. Speaker]

The question is:

Page 9, *for* lines 41 and 42, *substitute*—

"committees of a House of such Legislature shall be those of that House, and of its members and committees, at the commencement of section 34 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of the Legislature of a State, so far as may be, in acocrdance with those of the House of People, and of its members and committees where such House is the Legislative Assembly and in accordance with those of the Council of States, and of its members and committees where such House is the Legislative Council." (447)

The motion was adopted.

MR. SPEAKER: I shall now put all the other amendments to Clause 34 together to the vote of the House.

Amendments Nos. 66 and 470 were put and negatived.

MR. SPEAKER: There are no amendment to Clause 35.

Clause 36

MR. SPEAKER: There is a Government amendment No. 448 to Clause 36.

SHRI H. R. GOKHALE: In response to the views expressed by the hon. Members very strongly against this amendment, although I thought that that amendment was justified, I am requesting you to allow me to withdraw it.

MR. SPEAKER: Does the hon. Minister have the leave of the House to withdraw amendment No. 448 to clause 36?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 448 was, by leave withdrawn

MR. SPEAKER: I shall now put all the other amendments to Clause 36 to the vote of the House.

Amendments Nos. 92 259, 330 and 331 were put and negatived.

MR. SPEAKER: There are no amendments to Clause 37. So now we go to Clause 38.

Clause 38

MR. SPEAKER: There are no Government amendments. I will now put all the amendments to Clause 38 together to the vote of the House.

Amendments Nos. 67, to 71, 123 to 117, 130, 208, 209, 434; 471 to 473 and 597 to 599 were put and negatived.

Clause 39

MR. SPEAKER: There are no Government amendments to Clause 39. I shall now put the other amendments to this Clause to vote.

Amendments Nos. 128 and 474 were put and negatived.

MR. SPEAKER There are no amendments to Clause 40 and 41. We now go to Clause 42.

Clause 42

MR. SPEAKER: There are two Government amendments to Clause 42 They are amendment Nos. 655 and 656.

I will put them together to the vote of the House. The question is:

Page 12, lines 10-11,—

for "determine questions as to the constitutional validity of State laws",

substitute—

"determine all questions relating to the constitutional validity of any State law'. (65)

Page 12, line 25,—

after "High Court" *insert*—

"sitting for the purpose". (656)

The motion was adopted.

MR. SPEAKER: I shall now put all these clauses together to the vote of the House.

SHRI H. N. MUKERJEE (Calcutta —Noth-East): Are you satisfied about the procedure adopted? Can you put all the clauses together?

MR. SPEAKER: I am not only satisfied myself but I have taken the concurrence of the House.

SHRI H. N. MUKERJEE: This is not to be the subjective satisfaction of you or of the Members, but the objective, concrete satisfaction of the ltgal position.

MR. SPEAKER: There is rule 155. There is a proviso to the rule. There has been a precedent. It is not done for the first time We are doing it. We have done it previously also. I am fully satisfied myself and I have the additional strength and full confidence of the House. So, the procedure which we have adopted is perfectly in order.

Now, the question is:

"That Clauses 18 to 20, Clause 21 as amended, Clauses 22 to 28, Clause 29 as amended, Clause 30 as amended, Clauses 31 to 33, Clause 34 as amended, Clause 35 to 41, and Clause 42 as amended, stand part of the Bill."

The Lok Sabha divided:

Division No. 20] **[18.28 hrs.**

AYES

Achal Singh, Shri

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Alagesan, Shri O. V.

Ambesh, Shri

Anand Singh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

Appalanaidu, Shri

Arvind Netam, Shri

Austin, Dr. Henry

Awdhesh Chandra Singh, Shri

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bajpai, Shri Vidya Dhar

Balakrishniah, Shri T.

Banamali Babu, Shri

Banera, Shri Hamendra Singh

Banerjee, Shri S. M.

Banerjee, Shrimati Mukul

Barman, Shri R. N.

Barua, Shri Bedabrata

Barupal, Shri Panna Lal

Basappa, Shri K.

Basumatari, Shri D.

Besra, Shri S. C.

Bhagat, Shri H. K. L.

Bhargava, Shri Basheshwar Nat

Bhargavi Thankappan, Shrimati

Bhatia, Shri Raghunandan Lal

Bhattacharyyia, Shri Chapalendu

Bhaura, Shri B. S.

Bheeshmadev, Shri M.

Bhuvarahan, Shri G.

Bist, Shri Narendra Singh

Brahmanandji, Shri Swami

Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri

Hari Singh
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Beliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasa
Manhar, Shri Bhagatram
Manjhi, Shri Bhola

Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai, Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri

Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan

Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Shukla, Shri B. R.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Saksena, Prof. S. L.

MR. SPEAKER: The result* of the division is as follows:—Ayes : 366; Noes : 1.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

---

*(1) The result of this division is applicable to each of the clauses 18, 19, 20, 21 as amended, 22, 23, 24, 25, 26, 28, 29 as amended, 30 as amended. 31, 32, 33, 34, as amended 35, 36, 37, 38, 39, 40, 41 and 42 as amended separately.

(2) The following Members also recorded their votes:

AYES: Sarvashri B. Satyanarayana, R. R. Patel and Genda Singh.

(3) Shri P. G. Mavalankar recorded his vote for NOES in respect of clauses 20, 23and 38.

The motion was adopted.

Clauses 18 to 20, Clause 21 as amended, clauses 22 to 28, clause 29 as amended, clause 30 as amended, clauses 31 to 33, clause 34 as amended, clause 35 to 41, and clause 42 as amended were added to the Bill.

Clause 43

MR. SPEAKER: I shall put Amendment No. 475 moved by Shri Indrajit Gupta separately.

The question is:

Page 12,—

for lines 34 to 43, *substitute*—

"257A. (1) The Government of India may deploy any armed force of the Union or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State, if the State concerned seeks such deployment.

(2) Any armed force or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the State Government concerned may issue and be subject to the superintendence or control of the State Government or any officer or authority subordinate to the State Government." (475)

The Lok Sabha divided.

Division No. 21] [18.31 hrs.

AYES

Banerjee, Shri S. M.

Bhargavi Thankappan, Shrimati

Bhaura, Shri B. S.

*Bist, Shri Narendra Singh

Chandra Shekhar Singh, Shri

Chandrappan, Shri C. K.

Deshpande, Shrimati Roza

Dhote, Shri Jambuwant

Gupta, Shri Indrajit

Janardhanan, Shri C.

Jha, Shri Bhogendra

Jharkhande Rai, Shri

Kalyanasundaram, Shri M.

Kathamuthu, Shri M.

Krishnan, Shrimati Parvathi

'Madhukar', Shri K. M.

Manjhi, Shri Bhola

Mayathevar, Shri K.

Mukherjee, Shri H. N.

Muruganantham, Shri S. A.

Panda, Shri D. K.

Pandey, Shri Sarjoo

Reddy, Shri Y. Eswara

Sambhali, Shri Ishaque

Sen, Dr. Ranen

Shastri, Shri Ramavatar

Somasundaram, Shri S. D.

Vijay Pal Singh, Shri

NOES

Achal Singh, Shri

Aga, Shri Syed Ahmed

Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram

Alagesan, Shri O. V.

Ambesh, Shri

Anand Singh, Shri

Ankineedu, Shri Maganti

Ansari, Shri Ziaur Rahman

*Wrongly voted for AYES.

Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M
Bhuvarahan, Shri G.
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P K.
Deo, Shri R. R Singh
Deo, Shri S N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira

Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamle, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram

Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E V Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.

Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J Rameshwar
Rao, Shri Jagannath
Rao, Dr. K L.
Rao, Shri K. Narayana
Rao, Shri M. S Sanjeevi
Rao, Shri M Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shr. K Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P V.
Reddy, Shri Sidram
Richhariya, Dr Govind Das
Rohtagi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sanghana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P M.
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kisore

Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

MR. SPEAKER: The result* of the division is: Ayes : 28; Noes : 339.

The motion was negatived.

MR. SPEAKER: I shall put all the other amendments to Clause 43 to the vote of the House

Amendments Nos. 210, 223, 285, 476, 539, 540, 564, 587 and 600 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 43 stand part of the Bill".

The Lok Sabha divided:

*The following Members also recorded their votes:
AYES: Prof. S. L. Saksena;
NOES: Sarvashri Ram Bhagat Paswan, R. K. Khadilkar, Genda Singh, Madhavrao Scindia and Narendra Singh Bist.

Division No. 22] [1.34 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr Henry
Awdhesh Chandra Singh, Shri
Azad. Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat. Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhattacharyya, Shri Chapalendu
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabassappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.

Gavit, Shri T. H.
George, Shri A C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushotam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K
Koya, Shri C H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanam, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar Shri Bhagatram
Maurya, Shri B P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath

Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof Narain Chand
Parikh, Shri Rasiklal
Parthasarthy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K Narayana
Rao, Shri M S Sanjeevi
Rao, Shri M Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal

Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N K. P.
Samanta, Shri S C.
Sanghi, Shri N K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R G.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsi Ram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.

Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Gupta, Shri Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
Manjhi, Shri Bhola
Mayathevar, Shri K.
Mukerjee, Shri H. N.
Muruganatham, Shri S. A.
Panda, Shri D K.
Pandey, Shri Sarjoo
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr Ranen
Shastri, Shri Ramavtar
Somasundaram, Shri S. D.
Vijay Pal Singh, Shri

MR. SPEAKER The result* of the division is: Ayes: 338;

Noes: 25.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 43 *was added to the Bill.*

Clause 44

MR. SPEAKER: I will now put amendment No. 478 to Clause 44 moved by Shri Indrajit Gupta to the vote of the House.

The question is:

Page 13, *for* lines 13 to 17, *substitute*—

"Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry after giving such person adequate opportunity of making representation on the penalty proposed:" (478)

The Lok Sabha divided:

Division No. 23)]

[18.37 hrs.

AYES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Dhote, Shri Jambhuwant
Gupta, Shri Indrajit

*The following Members also recorded their votes:
AYES: Sarvashri Raghunandan Lal Bhatia, Dhan Shah Pradhan, D. N. Tiwari, Ram Prakash, Genda Singh and Shrimati M. Godfrey;
NOES: Sarvashri N. Sreekantan Nair, K. M. Madhukar and P. G. Mavalankar.

Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Mayathevar, Shri K.
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo
Reddy, Shri Y. Eswara
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar
Somasundaram, Shri S. D.
Vijay Pal Singh, Shri

NOES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.

Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G C
Dixit, Shri Jagdish Chandra
Dube, Shri J P.
Dumada, Shri L K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gavit, Shri T H
George, Shri A C.
Ghosh, Shri P K
Gill, Shri Mohinder Singh
Giri, Shri V Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M
Gogoi, Shri Tarun
Gokhale, Shri H R.
Gomango, Shri Giridhar
Gopal, Shri K
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M M.
Ishaque, Shri A K M
Jadeja, Shri D. P.
Jaffer Sharief, Shri C K
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadannappalli, Shri Ramachandran
Kader, Shri S A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A K.
Kotoki, Shri Laladhar
Kotrashetti, Shri A K.
Koya, Shri C H Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G Y.
Krishnappa, Shri M. V.
Kureel, Shri B N
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.

Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri J .N.
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh
Raju, Shri M T.
Raju, Shri P. V. G.
Ram. Shri Tulmohan
Ram Dayal, Shri
Ram Sewak, Ch.
Ram Singh Bhai
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Sh..
Rao, Shrimati B Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao Dr K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan

Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.

Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri

Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.

Tula Ram, Shri
Tulsiram, Shri V.
Ulkey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgoind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

MR SPEAKER: The result* of the division is: Ayes 27; Noes 336.

The motion was negatived.

MR. SPEAKER: I will now put all the other amendments to Clause 44 to the vote of the House

Amendments Nos. 332, 345 and 477 were put and negatived

MR. SPEAKER: The question is:

"That Clause 44 stand part of the Bill."

The Lok Sabha divided.

Division No. 24] [18.37 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Bahunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D
Besra, Shri S. C.
Bhagat, Shri H. K L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandra Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh

*The following Members also recorded their votes for NOES:

Sarvshri Kedar Nath Singh, C. D. Gautam, Ram Bhagat Paswan, Ram Prakash, J. G. Kadam and Genda Singh.

Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
*Dhote, Shri Jambuwant
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekward, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C D.
Gavit, Shri T. H.
George, Shri A C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar

*Wrongly voted for AYES.

Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C A.
Patil, Shri E V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
*Ram Hedaoo, Shri
Ram Prakash, Shri
Ram Sewak, Ch
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr K L.
Rao, Shri K. Narayana
Rao, Shri M. S Sanjeevi
Rao, Shri M Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K R Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K Kodanda Rami
Reddy, Shri K Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj

*Wrongly voted for AYES

Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N
Shivanath Singh, Shri
Shukla, Shri B. R
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M G.
Ulaganambi, Shri R P
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D P.
Yadav, Shri Karan Singh
Yadav, Shri N. P
Yadav, Shri R. P.

NOES

Banerjee, Shri S. M
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Gupta, Shri Indrajit
Janardhanan, Shri C
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
'Madhukar,' Shri K. M.
Manjhi, Shri Bhola
Mukerjee, Shri H. N.
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar
Vijay Pal Singh, Shri

MR. SPEAKER: The result* of the division is: *Ayes* 343, *Noes* 24.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present voting.

The motion was adopted

Clause 44 was added to the Bill.

Clause 45

MR. SPEAKER: We shall now take up clause 45 I shall now put all the amendments to this clause to the vote of the House.

Amendments Nos 191, 541 *and* 651 *were put and negatived.*

MR SPEAKER: I shall now put clause 45 to the vote of the House.

The question is:

"That clause 45 stand part of the Bill."

The Lok Sabha divided:

Division No. 25] **[18.42 hrs.**

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awadhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D
Besra, Shri S C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B S
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Butta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan Shri C K.
Chandrashekharappa Veerabasappa, Shri T V
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhari, Shri B E.
Daga, Shri M C
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas

---

*The following Members also recorded their votes:

AYES: Sarvshri Maganti Ankineedu, Hemendra Singh Banera, Ranabahadur Singh and Genda Singh;

NOES: Sarvashri Y. Eswara Reddy, Ram Hedaoo and Jambuwant Dhote.

Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Kotrashetti, Shri A. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manjhi, Shri Bhola
Maurya, Shri B. P.

Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shayam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Mukerjee, Shri H. N.
Munshi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R S
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Veyalar
Ray, Shrimati Maya
Reddy, Shri K Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P V
Reddy, Shri Sidram
Reddy, Shri Y Eswara
Richhariya Dr. Govind Das
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.

Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shayam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Sambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N
Tula Ram, Shri
Tulsiram, Shri V
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Saksena, Prof. S. L.

MR. SPEAKER: The result* of the division is: Ayes 363; Noes 1.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

Clause 45 was added to the Bill

Clause 46

MR. SPEAKER: We shall now take up clause 46. I shall now put amendment No. 480 moved by Shri

*The following Members also recorded their votes for AYES:

Sarvashri Ziaur Rahman Ansari, Ram Singh Bhai, Bhagatram Manhar, Genda Singh and D. K. Panda.

S. M. Banerjee to the vote of the House.

Amendment No. 480 was put and negatived

MR. SPEAKER: I shall now put all the other amendments to clause 46 to the vote of the House.

Amendments Nos. 13 to 15, 72 to 74, 96 to 98, 131 to 155, 267, 356 to 358, 479, 542, 565, 566, 575, 592, 635, 636 and 643 to 645 were put and negatived

MR. SPEAKER: The question is:

"That clause 46 stand part of the Bill."

The Lok Sabha divided:

Division No. 26]

[18.44 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyia, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren

Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M R.
Lambodar Behyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.

Nayak, Shri Bakai
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Tarkeshwar
Pandit, Shri S. T
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantra
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K P
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N K
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shanker Dayal Singh, Shri

Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishor
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V B
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Gupta, Shri Indrajit
Mukerjee, Shri H. N.
Saksena, Prof. S. L.

MR. SPEAKER: The result* of the Division is as follows:

Ayes 362;

Noes 3.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

The motion was adopted

Clause 46 was added to the Bill

Clause 47

MR. SPEAKER: There are no Government amendments. I shall put all the amendments together to the vote of the House.

Amendments Nos. 36, 268 and 425 were put and negatived

Clause 48

MR. SPEAKER: There are no Government amendments. I shall put all the amendments together to the vote of the House.

Amendments Nos. 576 and 577 were put and negatived

Clause 49

MR. SPEAKER: There are no Government amendments. I shall put all

*The following Members also recorded their votes for AYES: Sarvashi B. Satyanarayana, Dalip Singh, Sudhakar Pandey and Genda Singh.

the amendments together to the vote of the House.

Amendments Nos 578 and 646 were put and negatived

Clause 50

MR. SPEAKER There are no Government amendments I shall put all the amendments together to the vote of the House

Amendments Nos 16 17, 18, 426 427 481 *and* 603 *were put and negatived*

Clause 51

MR. SPEAKER There is a Government amendment, No 657 which I shall put to the vote of the House

The question is

"Page 7, line 1,—

for "shall apply to any law"

substitute—'shall apply also to any law'" (657)

The motion was adopted

MR. SPEAKER I shall now put amendment No 482 moved by Shri Indrajit Gupta, to the vote of the House

Amendment No 482 was put and negatived

Clause 52

MR SPEAKTR There is an amendment No 157, moved by Shri Stephen

SHRI H R. GOKHALE I have accepted this amendment

MR. SPEAKER The question is

Page 17, lines 9 and 10,—

omit 'specified in the First Schedule' (157)

The motion was adopted

MR SPEAKER The question is

"That clauses 47, 48, 49, 50, 51 as amended and 52 as amended, stand part of the Bill."

The Lok Sabha divided

AYES

Achal Singh, Shri
Aga Shri Syed Ahmed
Agrawal, Shri Sharkrishna
Ahirwar, Shri Nathu Ram
Alagesan Shri O V
Ambesh Shri
Anand Singh Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam Shri
Austin Dr Henry
Awdhesh Chandra Singh, Shri
Azad Shri Bhagwat Jha
Aziz Imam Shri
Babunath Singh, Shri
Bajpai Shri Vidya Dhar
Balakrishniah Shri T
Banamali Babu Shri
Banera Shri Hamendra Singh
Banerjee Shri S M
Banerjee Shrimati Mukul
Barman Shri R N
Barua Shri Bedabrata
Barupal Shri Panna Lal
Basappa Shri K
Basumatari, Shri D
Besra Shri S C
Bhagat, Shri H K L
Bhargava Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhattacharyyia Shri Chapalendu
Bhaura, Shri B S
Bheeshmadev Shri M
Bhuvarahan, Shri G
Bist Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh Shri
Chakleshwar Singh Shri
Chandra Gowda, Shri D B
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C K
Chandrashekharappa Veerabasappa, Shri T V
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai

Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R .R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.

Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Man al, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B P
Mehta, Dr Mahipatray
Melkote Dr G S
Mirdha Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G S
Mishra, Shri J annath
Modi, Shri Sh rkishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B S
Muruganantham Shri S A
Nahata, Shri Amrit
Naik, Shri B V
Nanda, Shri G L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda Shri D. K
Pandey, Shri Damodar
Pandey Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R S
Pandey Shri Sarjoo
Pandey, Shri Sudhakar
Pandey Shr Tarkeshwar
Pandit, Shri S T
Panigrahi Shri Chintamani
Pant, Shri K C
Paokai Haokip, Shri
Parashar, Prof Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. B.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B
Peje, Shri S L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K
Purty, Shri M S.
Qureshi, Shri Mohd Shafi
Raghu Ramaiah, Shri K
Rai, Shri S K
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M T
Raju, Shri P V G
Ram Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao Shrimati B Radhabai A
Rao Shri J Rameshwar
Rao, Shri Jagannath
Rao Dr K L
Rao Shri K Naravana
Rao Shri M S Sanjeevi
Rao, Shri M Satyanarayan
Rao Shri Nageswara
Rao Shri P Ankineedu Prasada
Rao Shri Pattabhi Rama
Rao Shri Rajagopala
Rao Dr V K R Varadaraja
Rathia Shri Umed Singh
Raut Shri Bhola
Ravi, Shri Vayalar
Ray Shrimati Maya
Reddy Shri K Kodanda Rami
Reddy, Shri K Ramakrishna
Reddy Shri M Ram Gopal
Reddy Shri P Bayapa
Reddy Shri P Ganga
Reddy Shri P Narasimba
Reddy, Shri P V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara

Richhariya, Dr. Govind Das
Rohtagi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheswar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri R. P.

NOES

Saksena, Prof. S. L.

MR. SPEAKER: The result* of the division is as follows:—*Ayes*: 364; *Noes*: 1.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clauses 47, 48, 49, 50, 51 *as amended and* 52 *as amended, were added to the Bill.*

Clause 53

MR. SPEAKER. I shall now put amendment No. 579 by Shri Indrajit Gupta to the vote of the House The question is:

"Page 17,—

for lines 18 to 27, *substitute*—

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India no such law may be made and no such executive action may be taken, under this article in relation to or in any State or Union Territory specified in the First Schedule in which or in any part of which the Proclamation of Emergency is not in operation.", (579)

The Lok Sabha divided

Division No. 28] [18.52 hrs

AYES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Rosa
Dhote, Shri Jambuwant
Gupta, Shri Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri M.
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Mukerjee, Shri H. N.
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo
†Patil, Shri S. B.
Reddy, Shri Y. Eswara
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr Ranen
Shastri, Shri Ramavatar
Vijay Pal Singh, Shri

NOES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Arvind Netam, Shri
Austin, Dr Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul

(1) *The result of this division is applicable to each of the clauses 47, 48, 49, 50, 51 as amended and 52 as amended, separately;

(2) The following Members also recorded their votes for AYES; Sarvashri Raghunandan Lal Bhatia, Raja Kulkarni and Genda Singh;

(3) Shri P. G. Mavalankar recorded his vote for NOES in respect of clauses 48 and 50.

†Wrongly voted for AYES.

Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jayalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z M
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri T. D.
Karan Singh, Dr
Kaul, Shrimati Sheila
Kavde, Shri B. T.
Kedar Nath Singh, Shri
Khan, Shri I. H
Kinder Lal, Shri
Kisku, Shri A. K
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.

Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr V K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha

Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

MR. SPEAKER: The result* of the division is: Ayes 26; Noes 331.

The motion was negatived.

SHRI H. R. GOKHALE: I am accepting amendment No. 159 of Mr. Stephen.

MR. SPEAKER: Now, the question is:

Page 17, lines 21 and 22,—

omit "specified in the First Schedule" (159)

The motion was adopted

*The following Members also recorded their votes:
AYES: Shri B. S. Bhaura;
NOES: Sarvshri Ch. Ram Sewak, Jagdish Chandra Divit, B. Satyanarayana, Appalanaidu, M. Bheeshmadev, Maharaj Singh, R. K. Khadilkar, Bhagatram Manhar, Gendra Singh and S. B. Patil.

MR SPEAKER: I will now put amendment No. 580 moved by Shri Indrajit Gupta to the vote of the House.

Amendment No 580 was put and negatived

MR SPEAKER Now, the question is

"That clause 53, as amended, stand part of the Bill"

The Lok Sabha divided

AYES

Division No 29] [18 55 hrs

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal Shri Shrikrishna
Ahirwar Shri Nathu Ram
Alagesan Shri O V
Anand Singh, Shri
Ankineedu Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin Dr Henry
Awdhesh Chandra Singh, Shri
Azad Shri Bhagwat Jha
Aziz Imam Shri
Babunath Singh Shri
Bajpai Shri Vidya Dhar
Balakrishniah, Shri T
Banamali Babu Shri
Banera, Shri Hamendra Singh
Banerjee Shrimati Mukul
Barman Shri R N
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa Shri K
Basumatari, Shri D
Beora Shri S C
Bhagat, Shri H K L
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmadev, Shri M
Bhuvarahan, Shri G
Bist, Shri Narendra Singh
Brahmanandji Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T V
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A M
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K
Choudhary, Shri B E
Chowhan, Shri Bharat Singh
Daga Shri M C
Dalbir Singh, Shri
Dandavate, Prof Madhu
Darbara Singh Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa Shri Tulsidas
Daschowdhury Shri B K
Deo Shri P K
Deo Shri R R Singh
Deo Shri S N Singh
Desai Shri D D
Deshmukh Shri K G
Deshmukh, Shri Shivaji Rao S
Dhamankar Shri
Dharamgaj Singh Shri
Dhillon Dr G S
Dhusia Shri Anant Prasad
Dinesh Singh Shri
Dixit Shri G C
Dixit Shri Jagdish Chandra
Dube Shri J P
Dumada Shri I K
Dwivedi Shri Nageshwar
Engti Shri Biren
Gaekwad Shri Fatesinhrao
Gandhi Shrimati Indira
Ganesh Shri K R
Ganga Devi Shrimati
Gangadeb, Shri P
Gautam Shri C D
Gavit Shri T H
George, Shri A C
Ghosh Shri P K
Gill, Shri Mohinder Singh
Giri Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun

Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Beliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Jamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Prabhudas

Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M T.
Raju, Shri P.V.G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanada Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Shakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivnath Singh, Shri
Shukla, Shri B. R
Shukla, Shri Vidya Charan
Siddayya, Shri S M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar

Thakre,, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P

NOES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Gupta, Shri Indrajit
Janardhanan, Shri C
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaram, Shri
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
Madhukar, Shri K. M.
Manjhi, Shri Bhola
Mukherjee, Shri H. N.
Muruganantham, Shri S. A.
Panda, Shri D. K.
Pandey, Shri Sarjoo
Reddy, Shri Y. Eswara
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar
Vijay Pal Singh, Shri

MR. SPEAKER: The result* of the Division is: Ayes: 338; Noes 25. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 53 as amended, was added to the Bill.

Clause 54

MR. SPEAKER: I will now put the amendments of Mr. Gokhale to the vote of the House.

The question is:

Page 17,—

for line 40, *substitute*—

'(4A) "Central law" means any law other than a State Law but does not include any amendment of this Constitution made under article 368;'. (658).

Page 18,—

after line 4, *insert*—

"(f) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law, not falling under sub-clause (e), and made by a State Government or the administrator of a Union territory or an officer or authority subordinate to such Government or administrator;". (659).

The motion was adopted.

MR. SPEAKER: I will now put the amendment of Mr. Stephen to vote

Amendment No. 164 was put and negatived.

MR. SPEAKER: The question is:

"That clause 54 as amended, stand part of the Bill".

The Lok Sabha divided.

*The following also recorded their votes for

AYES: Shrimati Savitri Shyam, and Sarvashri Dattajirao Kadam, N. Shivappa, Rajgopala Rao, Shashi Bhushan, Ambesh and Genda Singh.

Division No. 30] 18.58 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan ,Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri

Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bhaura, Shri B S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri

Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choduhary, Shri B. E.

Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R .Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L K.
Dwivedi, Shri Nageshwar

Engti, Shri Biren

Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri

Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra

Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannapalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri

'Madhukar' Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Mukerjee, Shri H N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.

Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri

Oraon, Shri Kartik
Oraon, Shri Tuna

Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat

Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Setni, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.

Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Saksena, Prof. S. L.

MR. SPEAKER: The result* of the division is: Ayes: 363; Noes: 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 54, as amended, was added to the Bill.

19 hrs.

Clause 55

MR. SPEAKER: I come to Clause 55. There is a Government amendment No. 593.

The question is,—

Page 18,—

for lines 11 to 16, *substitute*—

"(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article [whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976] shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article." (593)

The motion was adopted

MR. SPEAKER: I shall now put amendments Nos. 312 and 313 to clause 55 moved by Shri C. H. Mohamed Koya to the vote of the House.

---

*The following Members also recorded their votes for AYES:
Sarvashri Mohd. Shafi Qureshi, Devendra Satpathy, Genda Singh, T. Balakrishniah and Ramavatar Shastri.

Amendments Nos. 312 and 313 put and negatived.

MR. SPEAKER I shall now put amendment No 567 to Clause 55 moved by Prof S L Saksena to the vote of the House

Amendment No 567 was put and negatived.

MR SPEAKER I shall put all the amendments to clause 55 together to the vote of the House

Amendments Nos 347 348 and 269 were put and negatived.

MR SPEAKER I shall now put Clause 55 as amended to the vote of the House

The question is

"That Clause 55 as amended, stand part of the Bill"

The Lok Sabha divided

Division No 31]

[19 01 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O V
Ambesh, Shri
Anand Singh Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr Henry
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R N
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K
Basumatari, Shri D
Besra, Shri S C.
Bhagat, Shri H K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B S
Bheeshmadev, Shri M.
Bhuvarahan, Shri G
Bist Shri Narendra Singh
Brahmanandji, Shri Swami
Braj Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh Shri
Chandra Gowda, Shri D B
Chandra Shekhar Smgh, Shri
Chandrakar Shri Chandulal
Chandrappan Shri C K
Chandrashekharappa Veerabasappa, Shri T V
Chandrika Prasad Shri
Chaturvedi Shri Rohan Lal
Chaudhari Shri Amarsinh
Chaudharv, Shri Nitiraj Singh
Chavan Shrimati Premalabai
Chavan Shri Yeshwantrao
Chellachami Shri A M
Chhotev Lal Shri
Chhutten Lal Shri
Chikkalingaiah Shri K
Choudhary Shri B E
Daga Shri M C
Dalbir Singh, Shri
Dalip Singh Shri
Darbara Singh Shri
Das Shri Anadi Charan
Das Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury Shri B K.
Deo, Shri P K
Deo Shri R R Singh
Deo, Shri S N Singh
Desai Shri D D
Deshmukh, Shri K G
Deshmukh, Shri Shivaji Rao S.
Deshpande Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr G S
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.

Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Patesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kokoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shritimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallana, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit

Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabhai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri

Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir.
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Koya, Shri C. H. Mohamed
Muhammed Sherift, Shri
Saksena, Prof S. L.

MR. SPEAKER: The result* of the division is as follows:

Ayes: 359;

Noes: 3.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted

Clause 55 as amended was added to the Bill.

Clause 55A (New)

MR SPEAKER: I shall put Amendment No. 202 moved by Shri Hari Kishore Singh seeking to insert a new Clause 55A to the vote of the House.

Amendment No. 202 was put and negatived

MR. SPEAKER: There are no amendments to Clause 56.

The question is:

"Clause 56 stands part of the Bill."

The Lok Sabha divided

---

*The following Members also recorded their votes:
Ayes: Sarv Shri M. V. Krishnappa, G. C. Dixit, Shashi Bhushan, Awdhesh Chandra Singh, K. K. Shetty, Genda Singh, and Sarjoo Pandey;

NOES: Shri P. G. Mavalankar.

AYES

Division No. 32] [19.03 hrs.

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Smgh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabarata
Barupal, Shri Panna Lal
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.

Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalngarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swaraup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nair, Shri Sreekantan
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pande, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal

Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K. .
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Raju, Shri M. T.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.

Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N P.
Yadav, Shri R. P.

NOES

Saksena, Prof S. L.

MR. SPEAKER: The result* of the division is: Ayes: 361; Noes: 1

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted

Clause 56 was added to the Bill.

Clause 57

MR. SPEAKER: There is one amendment No. 314.

SHRI JAMBUWANT DHOTE: There is amendment No. 562.

MR. SPEAKER: There is no amendment No. 562. It is not regarded as having been moved. That is barred. It is the same as Amendment No. 315. Your amendment is the same as the earlier amendment No. 315 moved by Shri Mohamed Koya, and it is barred.

SHRI JAMBUWANT DHOTE: It is a different one.

MR. SPEAKER: I have been advised that they are both the same. The same thing is there. We are on Amendment No. 315. You can vote separately, if you like. Anyway, if you want, I will put your amendment, Amendment No. 562 separately to vote.

I shall now put amendment No. 314 moved by Shri Koya to the vote of the House.

Amendment No. 314 was put and negatived.

*The following Members also recorded their votes for AYES:

Sarvashri Rajdeo Singh, Jagdish Narain Mandal, P. V. G. Raju, Ram Singh Bhai and Genda Singh.

MR. SPEAKER: I shall now put Amendment No. 562 by Shri Dhote, which is the same as Amendment No. 315, to the vote of the House.

Amendment No. 562 was put and negatived.

MR. SPEAKER: I shall now put all the other amendments to Clause 57 together to vote.

Amendments Nos. 19, 20, 224 to 227, 245, 246, 334, 359, 419, 442 to 445, 484 to 487, 558, 606 to 608, 614, 615, 632 and 640 were put and negatived

MR SPEAKER: I shall put Clause 57 to the vote of the House.

The question is:

"That Clause 57 stand part of the Bill".

The Lok Sabha divided

Division No. 33] [19.10 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bhaura, Shri B S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C. K
Chandrashekharappa Veerabasappa, Shri T V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B.K
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharam[illegible] Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.

Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Beliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das

Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krisnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L.
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Saksena, Prof. S. L.
Salve, Shri N. K. P
Samanta, Shri S. C
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri

Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Veeriah, Shri K.
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

Mayathevar, Shri K.
Nair, Shri Sreekantan
Somasundaram, Shri S. D.

MR. SPEAKER: The result* of the Division is as follows: Ayes: 361; Noes: 3.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.
Clause 57 was addtd to the Bill

Clause 58

MR. SPEAKER: There are no amendments to clause 58. I shall now put it to vote of the House.

The question is:

"That clause 58 stand part of the Bill."

The Lok Sabha divided:

AYES

Division No. 34] **[19.12 hrs.**

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti

*The following Members also recorded their votes for AYES:

Sarvashri Mohan Swarup, B. Satyanarayana, M. Sudarsanam, K. K. Shetty and Genda Singh.

Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D B
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrappan, Shri C K
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Smgh
Giri, Shri V. Shankar
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Smgh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri

Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnan, Shrimati Parvathi
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Mukerjee, Shri H. N.
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Muruganantham, Shri S. A.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D. K.
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sarjoo
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.
Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.

Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Shri
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranababadur Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr. K. L
Rao, Shri K. Narayana
Rao, Shri M. S. Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia Shri Madhavrao
Sen, Shri A. K.
Sen, Dr. Ranen
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B
Sharma, Shri A. P.
Sharma, Dr H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.
Tayyab Hussain, Shri

Tiwari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Ulkey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkataswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vijay Pal Singh, Shri
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P.

NOES

NIL

MR SPEAKER: The result* of the Division is as follows: Ayes: 365; Noes: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 58 was added to the Bill.

Clause 59

SHRI INDRAJIT GUPTA: Sir, may I just ask the Law Minister about this clause if it is adopted where in the Constitution does he propose to insert it? Is it to be a new Article or is it to be added to some existing Article? Nothing is mentioned here.

SHRI H. R. GOKHALE: It would not be here because some clauses like Clause 59 and sub-clause 2 to Clause 17 are not any textual amendments in the Constitution. They are only provisions to take care of the pendancy of proceedings and they are in respect of powers for removal of difficulties. They are not part of the Constitution but they will form part of this Act.

MR. SPEAKER: I will put amendment No. 488 to the vote of the House.

Amendment No. 488 was put and negatived.

MR. SPEAKER: I will put amendment No. 543 to the vote of the House.

Amendment No. 543 was put and negatived.

MR. SPEAKER: I will put amendment No. 569 to the vote of the House.

Amendment No. 569 was put and negatived.

PROF S. L. SAKSENA: Sir, ayes have it.

MR SPEAKER: Your vote is recorded.

MR. SPEAKER: I will put all other amendments to Clause 59 to the vote of the House.

Amendments Nos. 99, 203, 204, 205, 570, 589, 609, 626, 627, 633, 648 and 650 were put and negatived.

MR SPEAKER: The question is:

"That Clause 59 stand part of the Bill."

The Lok Sabha divided:

Division No. 35] [19.18 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agarwal, Shri Shrikrishna

*The following Members also recorded their votes:
AYES: Sarvashri L. K. Dumada and Genda Singh;
NOES: Prof. S. L. Saksena.

Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamali Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bheshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr. G. S.
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dube, Shri J. P.
Dumada, Shri L. K
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K R.
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T H
George, Shri A C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun

Gokhale, Shri H. R.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri
Hashim, Shri M. M.
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Jha, Shri Chiranjib
Jhunjhunwala, Shri Bishwanath
Jitendra Prasad, Shri
Joseph, Shri M. M.
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kadam, Shri Dattajirao
Kadam, Shri J. G.
Kadannappalli, Shri Ramachandran
Kader, Shri S. A.
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kaul, Shrimati Sheila
Kavade, Shri B. R.
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H
Kinder Lal, Shri
Kisku, Shri A. K.
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri
Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Beliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mehta, Dr. Mahipatray
Melkote, Dr. G. S.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikishan
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B. S.
Nahata, Shri Amrit
Naik, Shri B. V.
Nanda, Shri G. L.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon, Shri Tuna
Pahadia, Shri Jagannath
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandey, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Pant, Shri K C.
Paokai Haokip, Shri
Parashar, Prof. Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R. R.

Patil, Shri Anantrao
Patil, Shri C. A.
Patil, Shri E. V. Vikhe
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Patnaik, Shri Banamali
Patnaik, Shri J. B.
Peje, Shri S. L.
Pradhan, Shri Dhan Singh
Pradhani, Shri K.
Purty, Shri M. S
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju, Shri M. T.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch.
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B Radhabai A.
Rao, Shri J. Rameshwar
Rao, Shri Jagannath
Rao, Dr K L
Rao, Shri K Narayana
Rao, Shri M. S Sanjeevi
Rao, Shri M. Satyanarayan
Rao, Shri Nageshwara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Richhariya, Dr Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rundra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sanghi, Shri N. K.
Sanglina, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P
Sharma, Dr. H P
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Sheopujan
Shenoy, Shri P R.
Shetty, Shri K. K.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Tarodekar, Shri V. B.

Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Ulaganambi, Shri R. P.
Vekaria, Shri
Venkatasubbaiah, Shri P.
Venkatswamy, Shri G.
Verma, Shri Balgovind
Verma, Shri Sukhdeo Prasad
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri N. P.
Yadav, Shri R. P

NOES

Banerjee, Shri S. M.
Bhargavi Thankappan, Shrimati
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.
Deshpande, Shrimati Roza
Gupta, Indrajit
Janardhanan, Shri C.
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Kalyanasundaran, Shri M.
Kathamuthu, Shri M.
Krishnan, Shrimati Parvathi
'Madhukar', Shri M. M.
Manjhi, Shri Bhola
Maya-Thevar, Shri K.
Mukerjee, Shri H. N.
Muuruganantham, Shri S. A.
Nair, Shri Sreekantan
Panda, Shri D. K.
Pandey, Shri Sarjoo
Reddy, Shri Y. Eswara
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar
Somasundaram, Shri S. D.

MR. SPEAKER: The result* of the division is:

Ayes :340;

Noes :26.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 59 was added to the Bill.

Clause 1

MR. SPEAKER: We shall now take up clause 1. There is one amendment moved by the Government to this clause. The question is:

"Page 1, lines 3 and 4,—

for "(Forty-fourth Amendment)" *substitute* "(Forty-second Amendment)". (548).

The motion was adopted.

MR. SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The Lok Sabha divided:

*The following Members also recorded their votes.
AYES: Sarvashri Mohan Swarup, P. U. G. Raju, Anant Prasad; Dhusia, and Genda Singh;
NOES: Prof. S. L. Saksena, Shri Vijay Pal Singh and Shri P. G. Mavalankar.

Division No. 36] [18.20 hrs.

AYES

Achal Singh, Shri
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.
Ambesh, Shri
Anand Singh, Shri
Ankineedu, Shri Maganti
Ansari, Shri Ziaur Rahman
Appalanaidu, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Balakrishniah, Shri T.
Banamah Babu, Shri
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Banerjee, Shrimati Mukul
Barman, Shri R. N.
Barua, Shri Bedabrata
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhargavi Thankappan, Shrimati
Bhatia, Shri Raghunandan Lal
Bhattacharyyia, Shri Chapalendu
Bhaura, Shri B. S.
Bheeshmadev, Shri M.
Bhuvarahan, Shri G.
Bist, Shri Narendra Singh
Brahmanendji, Shri Swamy
Brij Raj Singh—Kotah, Shri
Buta Singh, Shri
Chakleshwar Singh, Shri
Chandra Gowda, Shri D. B.
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandulal
Chandrashekharappa Veerabasappa, Shri T. V.
Chandrika Prasad, Shri
Chaturvedi, Shri Rohan Lal
Chandhari, Shri Amersinh
Chaudhary, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chavan, Shri Yeshwantrao
Chellachami, Shri A. M.
Chhotey Lal, Shri
Chhutten Lal, Shri
Chikkalingaiah, Shri K.
Choudhary, Shri B. E.
Daga, Shri M. C.
Dalbir Singh, Shri
Dalip Singh, Shri
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Daschowdhury, Shri B. K.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dharamgaj Singh, Shri
Dhillon, Dr G. S.
Dhusia, Shri Anant Prasad
Dinesh Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gaekwad, Shri Fatesinghrao
Gandhi, Shrimati Indira
Ganesh, Shri K. R.

Ganga Devi, Shrimati
Gangadeb, Shri P.
Gautam, Shri C. D.
Gavit, Shri T. H.
George, Shri A. C.
Ghosh, Shri P. K.
Gill, Shri Mohinder Singh
Giri, Shri V. Shanker
Godara, Shri Mani Ram
Godfrey, Shrimati M.
Gogoi, Shri Tarun
Gokhale, Shri H. R.
Gomango, Shri Giridhar
Goswami, Shri Dinesh Chandra
Gotkhinde, Shri Annasaheb
Gowda, Shri Pampan
Gupta, Shri Indrajit

Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Kishore Singh, Shri
Hari Singh, Shri

Ishaque, Shri A. K. M.

Jaffer Sharief, Shri C. K.
Jagjivan Ram, Shri
Jamilurrahman, Shri Md.
Janardhanan, Shri C.
Jeyalakshmi, Shrimati V.
Jha, Shri Bhogendra
Jha, Shri Chiranjib
Jharkhande Rai, Shri
Jitendra Prasad, Shri
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra

Kadam, Shri Dattajirao
Kadam, Shri J. G
Kadannappalli, Shri Ramachandran
Kader, Shri S. A
Kahandole, Shri Z. M.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kakoti, Shri Robin
Kalingarayar, Shri Mohanraj
Kalyanasundaram, Shri M.
Kamakshaiah, Shri D.
Kamala Prasad, Shri
Kamble, Shri N. S.
Kamble, Shri T. D.
Karan Singh, Dr.
Kathamuthu, Shri M.
Kaul, Shrimati Sheila
Kavde, Shri B. R
Kedar Nath Singh, Shri
Khadilkar, Shri R. K.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K
Kotoki, Shri Liladhar
Kotrashetti, Shri A. K.
Koya, Shri C. H. Mohamed
Krishna Kumari, Shrimati
Krishnan, Shri G. Y.
Krishnappa, Shri M. V.
Kulkarni, Shri Raja
Kureel, Shri B. N.
Kushok Bakula, Shri

Lakkappa, Shri K.
Lakshminarayanan, Shri M. R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar
Lutfal Haque, Shri

'Madhukar', Shri K. M.
Mahajan, Shri Vikram
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Mahishi, Dr. Sarojini
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malaviya, Shri K. D.
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mallikarjun, Shri
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram

Maurya, Shri B. P.
Mehta, Dr Mahipatray
Melkote, Dr G S
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G S.
Mishra, Shri Jagnnath
Modi, Shri Shrikishan
Mohan Swarup, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F H
Muhammed Sheriff, Shri
Mukherjee, Shri H N
Munsi, Shri Priya Ranjan Das
Murmu, Shri Yogesh Chandra
Murthy, Shri B S
Muruganantham, Shri S A

Nahata, Shri Amrit
Naik, Shri B V
Nair, Shri Sreekantan
Nanda, Shri G L
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Oraon Shri Tuna

Pahadia, Shri Jagannath
Pamuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Panda, Shri D K
Pandey, Shri Damodar
Pandey, Shri Krishna Chandra
Pandey, Shri Narsmgh Narain
Pandey, Shri R S
Panedy, Shri Sarjoo
Panedy, Shri Sudhakar
Pandey, Shri Tarkeshwar
Pandit, Shri S T
Panigrahi, Shri Chintamani
Pant, Shri K. C.
Paokai Haokip, Shri
Parashar, Prof Narain Chand
Parikh, Shri Rasiklal
Parthasarathy, Shri P.
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patel, Shri Prabhudas
Patel, Shri R R.
Patil, Shri Anantrao
Patil, Shri C A
Patil, Shri E V Vikhe
Patil, Shri Krishnarao
patil, shri S B
Patil, Shri T A
Patnaik, Shri Banamali
Patnaik, Shri J B
Peje, Shri S L
Pradhan, Shri Dhan Shah
Pradhani, Shri K
Purty, Shri M S

Qureshi, Shri Mohd Shafi

Raghu Ramaiah, Shri K
Rai, Shri S K
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Rajdeo Singh, Shri
Raju Shri M T
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Prakash, Shri
Ram Sewak, Ch
Ram Singh Bhai, Shri
Ram Surat Prasad, Shri
Ram Swarup Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Ranabahadur Singh, Shri
Rao, Shrimati B Radhabai A
Rao, Shri J Rameshwar
Rao, Shri Jagannath
Rao, Dr K L
Rao, Shri K Narayana
Rao, Shri M S Sanjeevi
Rao, Shri M Satyanarayan
Rao, Shri Nageswara

Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rao, Shri Rajagopala
Rao, Dr. V. K. R. Varadaraja
Rathia, Shri Umed Singh
Raut, Shri Bhola
Ravi, Shri Vayalar
Ray, Shrimati Maya
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Bayapa
Reddy, Shri P. Ganga
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sidram
Reddy, Shri Y. Eswara
Richhariya, Dr. Govind Das
Rohatgi, Shrimati Sushila
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.

Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Samanta, Shri S. C.
Sambhali, Shri Ishaque
Sanghi, Shri N. K.
Sangliana, Shri
Sankata Prasad, Dr.
Sant Bux Singh, Shri
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Satpathy, Shri Devendra
Satyanarayana, Shri B.
Savant, Shri Shankerrao
Savitri Shyam, Shrimati
Sayeed, Shri P. M.
Scindia, Shri Madhavrao
Sen, Shri A. K.
Sethi, Shri Arjun
Shafee, Shri A.
Shafquat Jung, Shri
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dayal Singh, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Dr. H. P.
Sharma, Shri Madhoram
Sharma, Shri Nawal Kishore
Sharma, Dr. Shanker Dayal
Shashi Bhushan, Shri
Shastri, Shri Biswanarayan
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shinde, Shri Annasaheb P.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Shukla, Shri Vidya Charan
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Singh, Shri Vishwanath Pratap
Sinha, Shri Dharam Bir
Sinha, Shri Nawal Kishore
Sinha, Shri R. K.
Sohan Lal, Shri T.
Sokhi, Sardar Swaran Singh
Stephen, Shri C. M.
Subramaniam, Shri C.
Sudarsanam, Shri M.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Suryanarayana, Shri K.
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri

Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Tewari, Shri Shankar
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.

Tula Ram, Shri

Tulsiram, Shri V.

Uikey, Shri M. G.

Ulaganambi, Shri R. P.

Vekaria, Shri

Venkatasubbaiah, Shri P.

Venkatswamy, Shri G.

Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad

Vidyalankar, Shri Amarnath

Vijay Pal Singh, Shri

Vikal, Shri Ram Chandra

Yadav, Shri Chandrajit

Yadav, Shri D. P.

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

NOES

Saksena, Prof. S L

MR. SPEAKER: The result* of the division is: Ayes 357; Noes 1.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 1, as amended, was added to the Bill

Enacting Formula and Long Title

MR. SPEAKER We shall now take up the Enacting Formula and the Long Title. There is an amendment No. 401 by Shri Jambuwant Dhote to the Long Title. I shall put the amendment to the vote of the House. The question is:

Page1,—

in the long title—

for "Constitution of India"

substitute—"Bharat Ka Sanvidhan" (401)

The motion was negatived.

MR. SPEAKER: The question is:

"That the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Long Title were added to the Bill

MR. SPEAKER: Tomorrow we will be having the Third Reading and we will have division after the final reading at 6 p.m

SHRI INDRAJIT GUPTA: Will there be enough speakers to carry on for the whole day?

MR SPEAKER: We presume so.

SHRI K RAGU RAMIAH: When I requested the hon Members to hasten up with the discussion on clause-by clause, I promised them there would be sufficient time for discussion during the third reading stage and I stand by that commitment.

19.25 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, November 2, 1976/Kartika 11, 1898 (Saka).

—

*The following Members also recorded their votes for AYES: Sarvshri P. V. G. Raju, K. K. Shetty, D. P. Jadeja, Genda Singh, and Bishwanath Jhunjhunwala.

GMGIPND—L—2060 L.S.—8-11-76—1578